(ಅಧ್ಯಕ್ಷರು)

ದಿದ್ದರೆ ಅವಕಾಶ ಕೊಡುವುದಿಲ್ಲ, ಹೇಳುವ ವಿಚಾರ ಯೋಗ್ಯವೆಂದು ಕಂಡರೆ ಅದನ್ನು ಪ್ರಸ್ತಾಪಿಸುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡುತ್ತೇನೆ, ಮಾತನಾಡಬಹುದು. ಇಲ್ಲದಿದ್ದರೆ ವೇಳೆ ವ್ಯರ್ಥವಾಗುತ್ತದೆ. ಛೇಂಬರಿನಲ್ಲಿ ಕೇಳದೆ ಇಲ್ಲಿ ಬಂದು ಮಾತನಾಡಿದರೆ ಕಾಲಹರಣವಾಗುತ್ತದೆ ಮತ್ತು ಈ ಸಭೆಯ ಗೌರವಕ್ಕೆ ಬಹಳ ಕುಂದುಂಟಾಗುತ್ತದೆ.

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಇನ್ನು ಮುಂದೆ ಮರಾಠಿಯಲ್ಲಿ ಹೇಳಿದಾಗ ಇದೇರೀತಿ ಭಾಷಾಂತರ ಮಾಡಿ ಹೇಳಬೇಕು ಸ್ವಾಮಿ.

ಅಧ್ಯಕ್ಷರು.—ನಾನು ಅದಕ್ಕೆ ಒಪ್ಪಿದೆ.

MYSORE SLUM AREAS (IMPROVEMENT AND CLEARANCE) BILL, 1958

Motion to consider.

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Sir, I move:

> "That the Mysore Slum Areas (Improvement and Clearance) Bill, 1958, be taken into consideration."

Mr. SPEAKER.—Motion moved:

> "That the Mysore Slum Areas (Improvement and Clearance) Bill, 1958, be taken into consideration."

*Sri T. SUBRAMANYA.—Sir, I commend this Bill for the acceptance of the Hon'ble Members of this House. The Bill consists of two portions; one s improvement of slum areas where it is possible and if it is found that they cannot be improved, clearance has to be taken up. We have about seventy to eighty lakhs of rupees for this purpose. Unless the executive is empowered to take immediate action, we will not be able to spend the amount within the allotted time and hence the necessity for this Bill. Voluntary co-operation on behalf of slum dwellers is not forthcoming to the extent to which it would be necessary for us to complete our work in a short time and hence recourse has been taken to legislation.

This is not a new Bill at all. It has been enacted by the Union Government in 1956 and made applicable to the Union territories. Chapter I, Hon'ble Members will kindly note, gives the definition of various words used in the Bill. Chapter II refers to Declaration of slum areas. Slum areas have been defined.

> "(1) Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area—
>
> (*a*) are in any respect unfit for human habitation; or
>
> (*b*) are by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals;
>
> it may, by notification in the official Gazette, declare such area to be a slum area."

The definition, I suppose, is very clear.

Then in determining whether a building is unfit for human habitation for the purposes of this Act, certain conditions have been laid down. For example, if all the houses are without repair, are unsuitable, damp, without sufficient light, water supply, drainage, sanitary conveniences, etc., then only they will be declared to be unfit for human habitation; that too in a slum area and not anywhere else. Suppose we have to effect improvements—praticular roads will have to be formed in that area, particular open spaces will have to be left because of drainage and other amenities to be provided for the residents of that locality and if within those spaces the houses come in, they will have to be removed either voluntarily or by force. In such a case the competent authority will issue a notice and give them a particular time within which they will have to vacate the place so that the road may be formed. It is not provided to give them any compensation because they are wrong doers. You will all kindly note that a person dwelling in a slum area has his hut constructed without any

permission from the Corporation or any other authority; therefore he is a wrong doer and hence he will not be entitled for any compensation.

Sri J. B. MALLARADHYA (Nanjangud).—There is no declaration made in any section of this Act.

Sri T. SUBRAMANYA.—I am telling why no compensation is provided. We have not provided for any compensation to be paid to him for removing his hut or any other construction. But at the same time it is not our intention to put him into any inconvenience. Therefore instructions have been issued already to the Corporation and to the Trust Board that before a slum area is taken up for improvement, alternative sites should be given to them to put their huts and these people will be asked to live there temporarily. After the area is cleared and new sites are formed they will be allowed to live here alone after amenities are provided for them. But for the purpose of removing the hut and putting up new construction elsewhere and then coming back to the same place, no compensation has been provided because they are all wrong doers, and we are not going to help them by means of compensation to remove and come back. At the same time there is also another fact which you will have to take into consideration and it is this. If we begin to give compensation to the person to remove his hut and put it elsewhere and also allow him to come back and put his hut once again in the same place we will not be able to carry on slum clearance because it means enormous cost

With regard to slum clearance area, we have provided for compensation. Usually slums are in two places—one in Municipal or Government areas and the other in private holdings. There are certain areas within the Bangalore Corporation and elsewhere also where slums have grown up and the owners of the land have allowed slums to grow. In such cases, we not only clear the slums but also acquire the land, make it available to the Corporation to dispose it of as they like. But those slum areas will be given to the very people living there on a nominal price. That is under a different scheme. That scheme is not before the House. Either they will be given on a hire purchase system, or on a municipal rental value or on the basis of payment distributed over a certain number of years. Therefore either it will be cleared or it will be improved. For this purpose this Act has been brought forward.

So far as private owners are concerned, when we clear the land they will be entitled to sixty times the net value of monthly rent. That is, five years' rent will be paid to them. How it is calculated is also mentioned in Schedule II. Even with regard to open ground that may be necessary in order to improve the slum or to put up new hutments, we may have to acquire some land in the neighbourhood and for that purpose also, clause 5 of Schedule 2 provides the procedure, on the basis of which the compensation will be calculated.

The next point is about the appeals. Appeals are provided in some cases to the Divisional Commissioner, in some to District Judge. The District Judge has been given powers under this Act to go into certain appeals and the Divisional Commissioner under certain other sections, where the executive orders are made. There is provision enabling the aggrieved party to prefer an appeal against executive orders. Then we have provided for preferring appeals to the Divisional Commissioner and in cases where some sort of right is involved, there is provision also preferring appeals to the District Judge.

There is Clause 19, whereby tenants are protected from eviction in spite of there being a decree by a Court of Law. According to that clause, where a particular area is declared to be a slum area and where the owner of a house who has rented it to a tenant has got an order from a Court of Law for eviction, the tenant shall not be evicted unless the competent authority permits the owner to do so. Why it applies to the slum area you will clearly understand. There are two possibilities in this case. Suppose one slum dweller is evicted from a place and it is given to another man to occupy. In such a case, instead of one

(SRI T. SUBRAMANYA)

man being removed from that place and his permanent place given to him elsewhere, there will be the second man to be evicted. Therefore Government feels that it is not possible to meet the demands of all people. There is also this thing. Suppose he is evicted now, another man comes in. Notices will have to be issued to him once again and there is necessarily delay in those circumstances. Therefore we say that he shall not be evicted unless it is with the permission of the competent authority. The competent authority on receipt of an application from the tenant or from the landlord will either reject it or allow him to evict. If he rejects, he has to record the reasons for rejecting.

Sri C. J. MUCKANNAPPA (Gubbi).—Who will be the competent authority ?

Sri T. SUBRAMANYA.—He will be appointed by Government by means of an executive order. It may be a Deputy Commissioner. It may be the Municipal Commissioner or it may be somebody else. It differs from place to place. In a place like Bangalore it may be the Corporation Commissioner. In some places it may be the Deputy Commissioner. Therefore, the competent authority differs from place to place. Whoever he be, he will have to record his reasons for having rejected an application made under section 19 and clause (2). Clause (2) says that if a man wants to evict a tenant by virtue of an order of a Court, then he will have to seek the permission in advance of the competent authority. The competent authority will go into the question. If he rejects, he has to record his reasons. In such cases appeals are provided. If any man is aggrieved, an appeal is provided to the Divisional Commissioner. The Divisional Commissioner in such cases will be able to dispose of such appeals. On account of the heavy work pending in the Civil Courts, the appeal is to be decided by the Divisional Commissioner.

An HON'BLE MEMBER.—Will the Divisional Commissioner adjudicate

Sri T. SUBRAMANYA.—The point in issue will be whether the reasons given by the competent authority to reject the application for eviction of a tenant are valid or not, they would be gone into by the Divisional Commissioner. But no civil rights will be adjudicated upon. In all those cases, the appeals will go to the Divisional Commissioner. I also draw the attention of the Hon'ble Members to section 30. We have provided appeals either to the District Judge or to the Divisional Commissioner under certain sections of of this enactment. Section 30 says:

> "Except as otherwise expressly provided in this Act, any person aggrieved by any notice, order or direction issued or given by the competent authority may appeal to the Divisional Commissioner within a period of thirty days from the date of issue of such notice, order or direction."

Except where a specific provision has been made in this Act that a particular appeal should go to the District Judge or the Divisional Commissioner, in all other cases ordinarily appeal shall lie to the Divisional Commissioner.

Now another question was raised whether this Act will apply only to the ten places mentioned in the First Schedule. The first section of this Bill makes it very clear. Section 1, clause (2) reads:

> "It extends to the whole of the State of Mysore."

Clause (3) reads:

> "It shall come into force at once in the areas specified in the First Schedule; and it shall come into force in such other area of the State on such date as the State Government may, by notification in the official Gazette, specify."

Therefore, in the first instance, it applies only to those ten places. As and when we go on with the work, the Act will be extended to apply to the other areas. At present why we have mentioned only ten places is for this reason The entire amount to carry on the slum clearance is provided by the Government of India. The schemes have to be sanctioned by them. We have to prepare here the schemes and have them scrutinised by technical

people and then send the same to the Government of India for their approval This is necessary before we take them up. The schemes now prepared are for the ten places. Therefore we say that it will apply to these ten places where there are a lot of slums. In Bangalore alone we have about a hundred slums. These have to be cleared. With these remarks I commend this Bill for the acceptance of this House.

ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ (ದಾವಣಗೆರೆ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಸರ್ಕಾರದವರು ಮಂಡಿಸಿರುವ ಈ ಸ್ಲಂ ಕ್ಲಿಯರೆನ್ಸ್ ಬಿಲ್ಲು ಅತ್ಯಗತ್ಯವಾದದ್ದು ಮತ್ತು ಸ್ವಾಗತಾರ್ಹವಾದುದಾಗಿದೆ. ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಸರ್ಕಾರದವರು ರಚಿಸಿರುವ ಕಲಂಗಳನ್ನು ನೋಡಿದರೆ ಮೂಲಭೂತವಾದ ಮತ್ತು ಆವಶ್ಯಕವಾದ ವಿಷಯಗಳನ್ನು ಹೆಚ್ಚಾಗಿ ಪ್ರಸ್ತಾಪಿಸಿಲ್ಲ. ಈ ಸ್ಲಂ ಕ್ಲಿಯರೆನ್ಸ್ ಎನ್ನುವ ಶಬ್ದಕ್ಕೆ . . . .

Sri J. B. MALLARADHYA.—I rise to a point of order. The very Minister who moved this Bill is not before this House. To whom are we addressing ?

Mr. SPEAKER.—There are other Ministers in the House. There is the Upper House and he has gone there.

Sri A. BHEEMAPPA NAIK (Challakere).—It is better this is taken up when the Minister is here.

Mr. SPEAKER.—It is embarrassing to me also. But the Hon'ble Minister made a request to me that between 2 and 2-30 he has to go to the Upper House.

Sri A. BHEEMAPPA NAIK.—I would suggest that this Bill be taken up later, as otherwise we have to make our suggestions to empty benches.

Mr. SPEAKER.—Arrangements have been made and some other Minister will look after the Bill on his behalf.

Sri A. BHEEMAPPA NAIK.—It is an empty bench. No doubt the Health Minister is there. But he is busy with his own work. Therefore there is not even one Minister here. The subject concerned is such that it is technical. The Minister who introduced the Bill and has studied it will be in a better position to hear us. I do not object to his going. It is better that this is taken up a little later.

Mr. SPEAKER.—In the first place, the Treasury Bench is not empty. There is one member. Since there is joint responsibility, the matter will be attended to. It is a very unfortunate thing, no doubt, that the Minister is held up in the other House. He made a request to me that he would have to be present in the other House between 2 and 2-30. He will be coming back in half an hour. We have to bear with the situation.

Sri Naik himself knows many of these things much better. It is after all a question of joint responsibility.

Sri J. B. MALLARADHYA.—I had brought this matter to the notice of the Hon'ble Speaker even in the Budget Session. This amounts to the absence of the Ministers from the proceedings of the House. In fac , as stated by Sri Bheemappa Naik, it is a technical matter. There are certain matters of a technical nature and it would have been better if the Hon'ble Minister was present here. But since the Chair says that he has taken the responsibility of allowing him to go, I have no voice to say anything.

Sri M. C. NARASIMHAN (Kolar Gold Fields).—We get inspiration if the concerned Hon'ble Minister is present in the House.

Mr. SPEAKER.—Why should you rely upon him for inspiration ?

ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ.—ಸ್ವಾಮಿ, ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಮೂಲಭೂತವಾದ ಮತ್ತು ಆವಶ್ಯಕವಾದ ಪ್ರಶ್ನೆಗಳ ವಿಷಯದಲ್ಲಿ ಕಲಂಗಳನ್ನು ರಚನೆಮಾಡುವಾಗ ಹೆಚ್ಚಾಗಿ ಗಮನ ಕೊಟ್ಟಿಲ್ಲ. ಇದು ಒಂದು ದುರ್ದೈವದ ಸಂಗತಿಯಾಗಿದೆ ಎಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಸ್ಲಂ ಕ್ಲಿಯರೆನ್ಸ್ ಎಂದರೆ ಒಟ್ಟಿನಲ್ಲಿ ಈ ಬಿಲ್ಲಿನಲ್ಲಿರತಕ್ಕ ಎಲ್ಲಾ ಕಲಂಗಳನ್ನು ನೋಡಿದರೆ ಸ್ಲಂ ಕ್ಲಿಯರೆನ್ಸ್ ಮಾಡಿಬಿಡುವುದು ಎಂದು ಇದೆಯೇ ಹೊರತು ಸ್ಲಂ ನಗರಗಳಲ್ಲಿ ಯಾವ ರೀತಿ ಉತ್ಪನ್ನವಾಗುತ್ತದೆ, ಯಾವ ಕಾಲದಿಂದ ಸ್ಲಂ ಬೆಳೆದಿದೆ ಮತ್ತು ಅದನ್ನು ಯಾವಾಗ ತೆಗೆದು ಹಾಕುತ್ತೇವೆ, ಆಗ ಬರತಕ್ಕ ಅಡ್ಡಿ ಆಡಚಣೆಗಳು, ತೊಂದರೆಗಳು, ತಪ್ಪುಗಳು ಏನು, ಆ ತಪ್ಪುಗಳ ನಿವಾರಣೆಗೆ ಏನು ಮಾಡಬೇಕು ಎನ್ನುವುದನ್ನು ಇದರಲ್ಲಿ ಸರಿಯಾಗಿ ವಿಶದಪಡಿಸಿಲ್ಲ. ಸ್ಲಂ ಕ್ಲಿಯರೆನ್ಸ್ ಎನ್ನುವ ಶಬ್ದಕ್ಕೆ ಅರ್ಥ ಏನು ? ಪೂರ್ವ ಕಾಲದಿಂದ ಹುಬ್ಬಳ್ಳಿ, ರಾಣಿ ಬೆನ್ನೂರು ಇಂಥ ಸ್ಥಳಗಳು ಮುಕ್ಕಾಲುಭಾಗ ಸ್ಲಂ ಏರಿಯ ಎಂದು ಹೇಳಬಹುದು. ಹೊಸದಾಗಿ ಹುಟ್ಟಿದ ಪಟ್ಟಣಗಳಲ್ಲಿ ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ 10-20 ವರ್ಷಗಳಿಂದ ಸ್ಲಂಸ್ ಬೆಳೆಯುತ್ತ ಬಂದಿರುತ್ತದೆ. ಇನ್ನು ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ಕೈಗಾರಿಕಾ ಪಟ್ಟಣಗಳಲ್ಲಿ ಸ್ಲಂ ಬಹಳ ಜೋರಾಗಿ ಬೆಳೆಯುತ್ತಿದೆ. ನಾನು ಸ್ವಂತ ಅನುಭವದಿಂದ ಹೇಳತಕ್ಕ ವಿಷಯ ಇದು ; 35 ವರ್ಷಗಳಲ್ಲಿ ನಗರ ಸಭೆಯಲ್ಲಿ ಐದು ಸಲ ಪ್ರೆಸಿಡೆಂಟ್ ಆಗಿ ಕೆಲಸ ಮಾಡಿದ್ದೇನೆ. ಅಲ್ಲಿ 2,000 ಗುಡಿಸಲುಗಳಿದ್ದ ಸ್ಲಂ ಏರಿಯಾಗಳನ್ನು ಕಿತ್ತುಹಾಕಿ ಐದು ಕಾಲೊನಿ

(ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ)

ಗಳನ್ನು ಸ್ಥಾಪನೆ ಮಾಡಿದ್ದೇನೆ. ಆಗ ನಗರ ಸಭೆಯವರಿಗೆ ಒದಗಿದ ಕಷ್ಟ ಏನು, ಎಷ್ಟು ಹಣಕಾಸಿನ ತೊಂದರೆ ಉಂಟಾಯಿತು ಎಂಬುದನ್ನು ವಿವರಿಸುವುದು ನನ್ನ ಮನಸ್ಸಿನಲ್ಲಿ ಬಹಳವಾಗಿ ಇತ್ತು. ಸಂಬಂಧಪಟ್ಟ ಮಿನಿಸ್ಟರು ಎದ್ದು ಹೋಗಿದ್ದಾರೆ. ಇದು ಸ್ವಲ್ಪ ವ್ಯಸನಪಡತಕ್ಕ ವಿಷಯ. 10-20 ವರ್ಷದಿಂದ ಸ್ಲಂ ಬೆಳೆದಿರುವ ಪ್ರದೇಶ ಎಂದರೆ ಯಾರಾದರೂ ಕೂಲಿ ಜನ ಅಲ್ಲಿ ಹೋಗಿ ಕೆಲವರು ಬಡವರು ಗುಡಿಸಲು ಹಾಕಿಕೊಳ್ಳುತ್ತಾರೆ. ಕೈಗಾರಿಕೆ ಕಾರ್ಖಾನೆಗಳಲ್ಲಿ ಕೆಲಸಮಾಡಲು ಹೊರಗಿನಿಂದ ಬಂದಂಥ ಜನ ಆ ಪ್ರದೇಶದಲ್ಲಿ ಒಂದು-ಎರಡು ಗುಡಿಸಲು ಹಾಕುವುದಕ್ಕೆ ಮೊದಲು ಪ್ರಾರಂಭ ಮಾಡುತ್ತಾರೆ; ಅದರ ಜೊತೆಗೆ ದಿನವಹಿ ಕೆಲವು ಗುಡಿಸಲುಗಳು ಪ್ರಾರಂಭವಾಗಿ 500, 1,000 ಗುಡಿಸಲುಗಳಾಗಿ ಬೆಳೆಯುತ್ತವೆ. ಅದು ಹೇಗೆ ಇರುತ್ತದೆ ಎಂದರೆ ಒಂದು ಸಂಸಾರ ಆರೋಗ್ಯರಕ್ಷಣೆ ಮಾಡಿಕೊಂಡು ವಾಸಮಾಡುವ ಸ್ಥಳದಲ್ಲಿ ಹತ್ತು ಸಂಸಾರಕ್ಕೆ ಒಲೆ ಹೂಡಿರುತ್ತಾರೆ. ಹಿಂದೆ ಹಿಂದಿನ ಸರ್ಕಾರದ ಕೌನ್ಸಿಲರ್ ಆಗಿದ್ದ ಶ್ರೀ ಶ್ರೀನಿವಾಸನ್ ಅವರು ಕೌನ್ಸಿಲರ್ ಆಗಿದ್ದಾಗ ಅವರನ್ನು ಸ್ಲಂ ಏರಿಯಾಕ್ಕೆ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದೆ. ಗುಡಿಸಿಲನಲ್ಲಿ ಎಷ್ಟು ಜನ ಇದ್ದೀರಿ ಎಂದು ಕೇಳಿದ್ದಕ್ಕೆ ಒಂದು ಸಂಸಾರದವರು ಎಂದು ಹೇಳಿದರು. ಒಳಗೆ ಹೋಗಿ ನೋಡಿದಾಗ ನಾಲ್ಕು ಒಲೆಗಳು ಇದ್ದವು. ಆ ಒಲೆ ಒಳಗೆ ಅಡಿಗೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇವೆ, ಬಾಗಿಲಿನ ಹೊರಗೆ ಮಲಗುತ್ತೇವೆ ಎಂದು ಹೇಳಿದರು. ಈ ರೀತಿ ಬಹಳ ವರ್ಷದಿಂದ ಸ್ಲಂಸ್ ಬೆಳೆದುಬಂದಿವೆ. ಇವನ್ನು ಕಿತ್ತು ಹಾಕಲು ನಗರ ಸಭೆಯವರಿಗೆ ಬಹಳ ದುಸ್ತರವಾಗಿದೆ. ಕಾರಣ ಒಂದು ಸ್ಥಳದಲ್ಲಿ 300, 400 ಗುಡಿಸಲುಗಳು ಇರುತ್ತವೆ. ಕಾನೂನಿನಲ್ಲಿ ಒಂದುಭಾಗ ಮಾಡಿದ್ದೀರಿ. ನೋಟೀಸ್ ಕೊಡುವುದು, ಆರು ವಾರ ಕಾಲಾವಕಾಶ ಕೊಡುವುದು, ಆಮೇಲೆ ಅದನ್ನು ಕಿತ್ತು ಹಾಕುವುದು ಎಂದು. ಬೆಂಕಿ ಹಾಕುವುದು ಎಂದಿದ್ದರೂ ಚೆನ್ನಾಗಿತ್ತು. ಆದರೆ ಆ 300 ಜನ ಸಂಸಾರೀಕರು ಎಲ್ಲಿಗೆ ಹೋಗಬೇಕು ಎಲ್ಲಿ ಇರಬೇಕೆಂಬುದಕ್ಕೆ ಪ್ರೊವಿಷನ್ ಇಲ್ಲ. ಅದನ್ನು ಅವರು ಸರಿಯಾಗಿ ಆಲೋಚನೆ ಮಾಡಿಲ್ಲ. ತುಂಬ ಅನನುಭವಿಕರಿಂದ ಈ ಬಿಲ್ಲು ರಚಿತವಾಗಿದೆ ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳುತ್ತೇನೆ. ಮತ್ತೊಂದು ವಿಷಯ ಎಂದರೆ ಈ ಬಿಲ್‌ಅನ್ನು ರಚನೆಮಾಡುವಾಗ ಹತ್ತು ಸ್ಥಳಗಳನ್ನು ಸೆಲೆಕ್ಟ್‌ಮಾಡಿದ್ದೀರಿ. ಆ ಸಂಬಂಧಪಟ್ಟ ಮುನಿಸಿಪಾಲಿಟಿಯವರಿಂದ ಈ ಸ್ಲಂಕ್ಲಿಯರೆನ್ಸ್ ವಿಷಯವಾಗಿ ನಿಮ್ಮ ಅನುಭವ ಏನು ಎಂಬುದಾಗಿ ಕೇಳಿ ವರದಿಗಳನ್ನು ತರಿಸಿಕೊಳ್ಳಬೇಕಾಗಿತ್ತು. ಬೆಂಗಳೂರು ಕಾರ್ಪೊರೇಷನ್‌ನಿಂದ ಆಗಲಿ, ದಾವಣಗೆರೆ ಮುನಿಸಿಪಾಲಿಟಿಯಿಂದ ಆಗಲೀ, ಹುಬ್ಬಳ್ಳಿ, ಬಿಜಾಪುರ, ಬಾಗಲಕೋಟೆ ಮುನಿಸಿಪಾಲಿಟಿಯಿಂದ ಆಗಲಿ ಅವರ ಅಭಿಪ್ರಾಯ ತರಿಸಿಕೊಂಡಿದ್ದರೆ ಅವರಿಗಿರತಕ್ಕ ಅಡ್ಡಿ ಅಡಚಣೆಗಳು ಏನು, ಅದರ ಮ್ಯಾಗ್ನಿಟ್ಯೂಡ್ ಎಷ್ಟು, ಎಷ್ಟು ಕಷ್ಟಉಂಟಾಗುತ್ತದೆ ಎನ್ನುವುದು ಗೊತ್ತಾಗುತ್ತಿತ್ತು. ಇದರಲ್ಲಿ ಬಹಳ ಲೋಪ ಮಾಡಿದ್ದಾರೆ. ಒಂದು ಕಡೆ ಸ್ಲಂ ತೆಗೆದುಬಿಟ್ಟರೆ ಅವರ ರಕ್ಷಣೆಗೆ ಮತ್ತೊಂದು ಕಡೆ ಯಾವುದಾದರೂ ಸ್ಥಳಗಳನ್ನು ಒದಗಿಸಿಕೊಡುವುದು, ಮನೆಗಳನ್ನು ಕಟ್ಟಿಸಿಕೊಡುವುದು ಇದಕ್ಕೆ ಕೋಟ್ಯಾಂತರ ರೂಪಾಯಿ ಬೇಕಾಗುತ್ತದೆ.

2-30 P.M.

ದಾವಣಗೆರೆಯಲ್ಲಿ ಐದು ಕಾಲೋನಿಗಳನ್ನು ನಾವು ಸ್ಥಾಪನೆ ಮಾಡಿದ್ದೇವೆ. ಆ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದುಕಡೆ 103, ಒಂದುಕಡೆ 30, ಒಂದುಕಡೆ 70, ಒಂದುಕಡೆ 50 ಈ ರೀತಿ 253 ಎಕರೆ ಜಮೀನುಗಳನ್ನು ಅಕ್ವೈರ್ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗಿ ಬಂತು. ಇದರಿಂದಾಗಿ ಎರಡೂವರೆ ಲಕ್ಷ ರೂಪಾಯಿಗಳು ಮುನಿಸಿಪಾಲಿಟಿಗೆ ಖರ್ಚಾದವು. ಇದರ ಜೊತೆಗೆ, ಆಮೇಲೆ ದೀಪ, ರಸ್ತೆ, ಚರಂಡಿ ಮುಂತಾದವುಗಳಿಗೆಂದು ಬೇರೆ ಮೂರು-ನಾಲ್ಕು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಖರ್ಚು ಬಂತು. ಸ್ಲಮ್ ಕ್ಲಿಯರೆನ್ಸ್‌ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಇಂಥವುಗಳೆಲ್ಲವೂ ಬಂದೇ ಬರುತ್ತವೆ. ಅದನ್ನೆಲ್ಲಾ ಯಾವರೀತಿ ಒದಗಿಸಿಕೊಳ್ಳಬೇಕು ಎಂಬುದಕ್ಕೆ ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಎಲ್ಲಿಯೂ ನಮೂದು ಮಾಡಿಲ್ಲ.

ಹೀಗೆಯೇ ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಅನೇಕ ಲೋಪಗಳಿವೆ. ಈಗ ನಾವು ನೋಡಿರುವುದರಲ್ಲಿ ಒಂದು ಸಾರಿ slumನ್ನು clear ಮಾಡಿಬಿಟ್ಟರೆ ಆಗಲಿಲ್ಲ. ಪುನಃ ಎಲ್ಲೂ ಸ್ಲಮ್ ಬೆಳೆಯದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದೂ ಅವಶ್ಯಕ. ಎಷ್ಟೋವೇಳೆ ಇವತ್ತು slum clearance ಮಾಡಿದರೆ ಇನ್ನು ಹತ್ತು ವರ್ಷಗಳು ಬಿಟ್ಟು ನೋಡಿದರೆ ಮತ್ತೆ ಆ ಪ್ರದೇಶದಲ್ಲಿ ಸ್ಲಮ್ ಬೆಳೆದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಸ್ಲಮ್ ಬೆಳೆಯದಂತೆ ನೋಡಿಕೊಳ್ಳುವ ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಿಸುವುದಲ್ಲದೆ ಈ ಬಗ್ಗೆ ಬಂದೋಬಸ್ತಾದ ಕಾನೂನುಗಳ ರಚನೆಯಾಗಬೇಕಾಗಿದೆ.

ಇನ್ನೊಂದು ಲೋಪವೇನೆಂದರೆ, ಇದರಲ್ಲಿ ಹೇಳಿರುವ ಪ್ರತಿಯೊಂದೂ ಎಲ್ಲಿ ವ್ಯವಸ್ಥಿತವಾದ ಮುನಿಸಿಪಾಲಿಟಿಗಳಿವೆಯೋ ಅಂಥ ಹತ್ತು ಸ್ಥಳಗಳನ್ನು ಆರಿಸಿ ಅವಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಹೇಳಿದ್ದೀರಿ. ಎಲ್ಲವನ್ನೂ ಮುನಿಸಿಪಾಲಿಟಿಯವರ ಸಮಾಲೋಚನೆಯಿಂದಲೇ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಹಣವನ್ನು ಒದಗಿಸುವವರು ಯಾರು? ಕೆಲಸ ನಡೆಸತಕ್ಕವರು ಯಾರು? ಆದರೆ, ಇಷ್ಟೆಲ್ಲಾ ಮಾಡಬೇಕೆಂದು ಹೇಳುವಾಗ, ಆ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಮಟ್ಟವೇನು, ಸಂಬಂಧವೇನು? ಅವುಗಳ ಆರ್ಥಿಕ ಸ್ಥಿತಿಯೇನೆಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡಿರುವಂತೆ ಕಾಣುವುದಿಲ್ಲ.

ಇನ್ನೊಂದು, ಕಾಂಪೆನ್‌ಸೇಷನ್ ವಿಷಯ. ಒಂದು ಜಮೀನು, ಒಂದು ಜಾಗ ಒಬ್ಬ ಮನುಷ್ಯನಿಗೆ ಸೇರಿದ್ದು ಊರಿನ ಮಧ್ಯಭಾಗದಲ್ಲಿರುತ್ತದೆಂದಿಟ್ಟುಕೊಳ್ಳೋಣ. ಅಲ್ಲಿ ಯಾರೋ ಒಬ್ಬ ಬಡವನು ಬಂದು ಹೇಳಿಯೋ ಹೇಳದೆಯೋ ಗುಡಿಸಲು ಹಾಕಿಕೊಂಡಿರುತ್ತಾರೆ. ಅತನು Rent ಕೊಟ್ಟರೆ ಕೊಟ್ಟ, ಇಲ್ಲದಿದ್ದರೆ ಇಲ್ಲ. ಅಲ್ಲದೆ ಊರಿನೊಳಗಿರುವ ಜಮೀನು ಬೇರೆ ಯಾವ ಉತ್ಪನ್ನವನ್ನೂ ಕೊಡುವುದಿಲ್ಲ. ಹೊರಗಡೆ ಇದ್ದರಾದರೋ ಏನಾದರೂ ಬೆಳೆಮಾಡಿ ಉತ್ಪನ್ನ ಬರುತ್ತಿರುತ್ತದೆ. ಇಂಥ ಸಂದರ್ಭದಲ್ಲಿ ನೀವು ಹೇಳಿರುವ ರಿತ್ಯಾ Rental valueವಿನ ಮೇಲೆ 60 ರಷ್ಟು ಕಾಂಪೆನ್‌ಸೇಷನ್ ಕೊಡುವುದೆಂದು ಕೊಟ್ಟರೆ ಏನಾದ ಹಾಗಾಯಿತು? ಆ ಜಮೀನಿಗೆಲ್ಲಾ ವರ್ಷಕ್ಕೆ ಒಂದು ಗುಡಿಸಲಿಗೆ ಎಂಟು ಆಣೆಯೋ ಒಂದು ರೂಪಾಯಿಯೋ ಬರುತ್ತಿರುತ್ತದೆ; ಅದೂ ವಸೂಲಾಗುವುದು ದುರ್ಲಭ. ಆದರೆ, ಆ ಜಮೀನು ದಾವಣಗೆರೆಯಂಥ ಮುನಿಸಿಪಾಲಿಟಿಯ ಮಧ್ಯಭಾಗದಲ್ಲಿದ್ದು, 10,000, ಕೆಲವುವೇಳೆ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಯಾದರೂ ಬೆಲೆ ಆಗಬಹುದು. ಅಂಥ ಜಮೀನಿಗೆ ನೀವು ರೆಂಟಲ್ ಮೊಬಲಗಿನ 60 ರಷ್ಟೆಂದು

60 ರೂಪಾಯಿ, 100 ರೂಪಾಯಿ ಕೊಡುವುದು ಸರಿಯೇ ? ಇದೊಂದು ದೊಡ್ಡ ಲೋಪ. ಕೆಲವು ವೇಳೆ ಆ ಜಾಗ ಹತ್ತುಜನ ಮಕ್ಕಳಿಗೆ ಒಟ್ಟಾಗಿ ಸೇರಿರುತ್ತದೆ. ಕಾರಣಾಂತರದಿಂದ, ಹಣವಿಲ್ಲದೆಯೋ, ಬೇರೆ ಅನುಕೂಲವಿಲ್ಲದೆಯೋ ಅವರು ಮನೆ ಕಟ್ಟದೆ ಇರಬಹುದು. ಆದರೆ ಅದರ ಮೇಲೆ liabilities ಇರಬಹುದು. ಅದನ್ನೇ ಆಧಾರವಾಡಿ ಹತ್ತಾರು ಸಾವಿರ ರೂಪಾಯಿ ಸಾಲ ತೆಗೆದುಕೊಂಡಿರಬಹುದು. ನೀವು 60-100 ರೂಪಾಯಿ ಕಾಂಪೆನ್‌ಸೇಷನ್ ಕೊಟ್ಟರೆ ಆ ಸಾಲದ ಗತಿಯೇನ ? ಇದನ್ನೆಲ್ಲಾ ಗಮನದಲ್ಲಿಟ್ಟು ಸೂಕ್ತ ಬದಲಾವಣೆಯನ್ನು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಮಾಡಲೇ ಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಆಮೇಲೆ Wrong doers ವಿಷಯ ಹೇಳಿದ್ದೀರಿ. Wrong doers ಎಂದರೆ ಯಾರು ? ಒಬ್ಬನು ಹೊರಗಿನಿಂದ ನಮ್ಮ ಊರಿಗೆ ಬರುತ್ತಾನೆ. ಹೆಗಲ ಮೇಲೆ ಸೋರೆಬುರುಡೆ, ಚೀಲದಲ್ಲಿ ಸ್ವಲ್ಪ ಹುಣಸೆ ಹಣ್ಣು, ಮೆಣಸಿನಕಾಯಿ ತುಂಬಿಕೊಂಡು ಇಲ್ಲಿಗೆ ಬಂದವನು ಅವನು. ಬರುವಾಗಲೇ ಹೆಂಡಿರುಮಕ್ಕಳನ್ನು ಜೊತೆಯಲ್ಲಿ ತಂದಿರುತ್ತಾನೆ. ಬಂದಕೂಡಲೆ ಆವನು ಕೆಲಸಕ್ಕೆ ಹೋಗಲೇಬೇಕು. ಹೋದವನು ರಾತ್ರಿ ಬಂದು ಅಡಿಗೆಮಾಡಿ ಊಟಮಾಡಬೇಕು. ಹೀಗಿರುವಾಗ ಅವನ ಸ್ಥಿತಿ, ಅವನು ಯಾರ ಜಮೀನಿನಲ್ಲಿಯೋ ಹೋಗಿ ವಿಧಿಯಿಲ್ಲದೆ ಒಂದು ಗುಡಿಸಲುಹಾಕಿಕೊಂಡಿರುತ್ತಾನೆ. ಅವನನ್ನು ನೀವು ' Wrong doer ' ಎಂದು ಹೇಳುತ್ತೀರಾ ? ಆ ಬಡತನ ಅವನಿಗೆ ಕೊಟ್ಟವರು ಯಾರು ! ಆತನ ಬಡತನ ನೋಡಿಕೊಂಡು ಸಂರಕ್ಷಣೆ ಮಾಡದಿರುವವರು ಯಾರು ? ಸಂರಕ್ಷಣೆ ಮಾಡದಿರುವವರು Wrong doerಗಳೇ ಅಥವಾ ತನ್ನ ಹೊಟ್ಟೆಗಾಗಿ, ತನ್ನ ಬಟ್ಟೆಗಾಗಿ, ತನ್ನ ಹೆಂಡಿರ ಮಕ್ಕಳನ್ನು ಕಾಪಾಡಲಿಕ್ಕಾಗಿ ದೇವರು ಕೊಟ್ಟ ಯಾವುದೋ ಜಾಗದಲ್ಲಿ ಒಂದು ಗುಡಿಸಲು ಕಟ್ಟಿಕೊಂಡಿರುವವನು Wrong doer ಏ ? ಅವನ ಗುಡಿಸಲನ್ನು ಕಿತ್ತುಹಾಕಿ ಎಂದು ಹೇಳಿಬಿಡಬಹುದು. ಆದರೆ ಅದಕ್ಕೆ ಮುಂಚೆ ಒಂದು ಪ್ಲಾನ್ ಪ್ರಕಾರ ಬೇರೊಂದು ಜಾಗವನ್ನು ನಿರ್ಮಾಣಮಾಡಿಸಿ, ಅಲ್ಲಿ ಸೈಟುಗಳನ್ನು ವಿಂಗಡಿಸಿ, ರಸ್ತೆ, ದೀಪ ವಗೈರೆ ವ್ಯವಸ್ಥೆಮಾಡಿ, ಅಲ್ಲಿಗೆ ಹೋಗಿ ಎಂದು ಹೇಳಬೇಕಾದದ್ದು ಧರ್ಮ. ಅದನ್ನೂ ಒಂದು ರಿಯಾಯಿತಿ ದರದಲ್ಲಿ ಅವರಿಗೆ ಕೊಟ್ಟು, ಕಂತುಗಳ ಮೂಲಕ ಸಾಲವನ್ನು ಭರ್ತಿಮಾಡಿಕೊಳ್ಳುವುದು ಒಂದು ನ್ಯಾಯವಾದ ವ್ಯವಸ್ಥೆ. ಅದನ್ನು ಬಿಟ್ಟು ಸುಮ್ಮನೆ, Wrong doers ಎಂದು ಹೇಳಿ ಆ ಗುಡಿಸಲುಗಳನ್ನು ಕಿತ್ತುಹಾಕಬೇಕೆಂದು ಹೇಳುವುದೇ ? ಮತ್ತು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ವಿಷಯ ಹೇಳುತ್ತೇನೆ. ದಾವಣಗೆರೆಯಲ್ಲಿ ಕುಂಬಾರಗೇರಿ, ಕುರುಬರಗೇರಿ, ತಳವಾರಗೇರಿ ಎಂದು ಮೂರು ಕೇರಿಗಳು ಊರು ಹುಟ್ಟಿದಲಾಗಾಯಿತಿನಿಂದ ಇವೆ. 200ವರ್ಷಗಳ ಕೆಳಗೆ ದಾವಣಗೆರೆಯಲ್ಲಿ 500-1000 ಮಾತ್ರ ಜನಸಂಖ್ಯೆಯಿದ್ದಾಗ ಕಟ್ಟಿದ ಮನೆಗಳು. ಅಲ್ಲಿ ಹೇಗಿದೆಯೆಂದರೆ, ಒಬ್ಬನ ಮನೆ, ಆಗ 20 ಅಡಿ ಅಗಲ 40 ಅಡಿ ಉದ್ದ ಇದ್ದರೂ, ಈಚೆಗೆ ಅವನಿಗೆ ಮಕ್ಕಳು ಮೊಮ್ಮಕ್ಕಳಾಗಿ, ಅದೇ ಮನೆ ಮೂರು-ಮೂರುಸಲ ಹಂಚಿಕೆಯಾಗಿದೆ. ಅವರನ್ನೀಗ Wrong doers ಎನ್ನುತ್ತೀರಾ ? ಅವರನ್ನು Wrong doers ಎಂದರೆ ಅವರೇನು ಮಾಡುತ್ತಾರೆ ? ಯಾವ ಸ್ಥಳವಾದರೂ ವಾಸಮಾಡುವುದಕ್ಕೆ ಅಯೋಗ್ಯವಾಗಿದ್ದರೆ ಅದನ್ನು ಕಿತ್ತುಹಾಕಬೇಕು, ನಿಜ. ಅದಕ್ಕೆ. ತಕ್ಕ ವ್ಯವಸ್ಥೆ ಮಾಡುವುದು ಬೇಡವೇ ? ಕಾಂಪೆನ್‌ಸೇಷನ್ ವಿಷಯವೊಂದು ನಾಚಿಗೆಗೇಡು. ನಮ್ಮ ಮಂತ್ರಿಗಳು ದಾವಣಗೆರೆಗೆ ಬರುವುದಕ್ಕೆ ಒಪ್ಪಿದ್ದಾರೆ. ಅವರನ್ನೇ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸಮಕ್ಷಮ ತೋರಿಸುತ್ತೇನೆ. ಆ ಜನರ ಯೋಗಕ್ಷೇಮವನ್ನು ನೋಡದೆ ಬಿಟ್ಟಿರುವ ಸರ್ಕಾರ Wrong doers ಏ ? ಅಥವಾ ಆ ಬಡಜನಗಳು Wrong doers ಏ ? ಅವರೇ ಹೇಳಲಿ.

ಶ್ರೀ ಜಿ. ದುಗ್ಗಪ್ಪ (ಚಿತ್ರದುರ್ಗ).—ಅವರನ್ನು ಒಂದು ವಿಷಯ ಕೇಳಿ ತಿಳಿದುಕೊಳ್ಳಬೇಕೆಂದಿದ್ದೇನೆ. ಏಕೆಂದರೆ, ಅವರಿಗೆ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ಅನೇಕ ವರ್ಷ ಮುನಿಸಿಪಾಲಿಟಿ ಆಡಳಿತವನ್ನು ನಡೆಸಿ ಅನುಭವವುಳ್ಳವರಾಗಿದ್ದಾರೆ.

ಮಾನ್ಯ ಸದಸ್ಯರು ಕಟ್ಟಿದ ಮನೆಗಳ ವಿಚಾರ ಹೇಳಿದರು. ಇನ್ನು ಕೆಲವುಕಡೆ ಮನೆಗಳನ್ನೇ ಕಟ್ಟಿರುವುದಿಲ್ಲ. ಜಮೀನಿನಲ್ಲಿ ಬೆಳೆ ಹಾಕಿರುತ್ತಾರೆ. ಅಲ್ಲೇ ಕಣ ಮಾಡಿಕೊಂಡು ಅಕಸ್ಮಾತ್ ಒಂದು ಗುಡಿಸಲು ಕಟ್ಟಿಕೊಂಡು ಹಾಗೆ ವಾಸಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಅವರು ಮುನಿಸಿಪಾಲಿಟಿಗೂ ಬಿಟ್ಟುಕೊಡುವುದಿಲ್ಲ. ಬೇರೆ ಯಾರು ಮನೆ ಕಟ್ಟಿಕೊಳ್ಳಬೇಕೆಂದರೂ ಅವಕಾಶ ಕೊಡುವುದಿಲ್ಲ. ಅಲ್ಲೇ ಹೇಸಿಗೆ ವಗೈರೆ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಅಂಥ ಪ್ರದೇಶಗಳನ್ನು Slums ಎನ್ನೋಣವೆಂದರೆ ಅವು ಮುನಿಸಿಪಾಲಿಟಿಗೂ ಸೇರಿಲ್ಲ. ಅವುಗಳನ್ನು ಅಕ್ವೈರ್‌ಕೂಡ ಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ; ಇನ್ನೊಬ್ಬರಿಗೆ ಏಲನಿಯೇಟ್‌ಕೂಡ ಮಾಡುದಕ್ಕಾಗುವುದಿಲ್ಲ ;—ಇಂಥ ಸ್ಥಿತಿಯಲ್ಲಿರುತ್ತವೆ. ಇಂಥದಕ್ಕೇನು ಮಾಡುತ್ತೀರಿ ?

ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ.—ಆ ಪ್ರದೇಶ ಅಲ್ಲಿನ ಮುನಿಸಿಪಾಲಿಟಿ ಪ್ರದೇಶದಲ್ಲಿದ್ದರೆ ತಕ್ಕ ಕಾರ್ಯಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಹುದು, unhealthy ಷೆಡ್‌ಗಳನ್ನು ಹಾಕಿಕೊಂಡಿದ್ದರೆ ಅವರನ್ನು ಪ್ರಾಸಿಕ್ಯೂಟ್ ಮಾಡುವುದಕ್ಕೂ, ಆ ಜಾಗವನ್ನು ಅಕ್ವೈರ್ ಮಾಡುವುದಕ್ಕೂ ಮುನಿಸಿಪಾಲಿಟಿಗೆ ಅಧಿಕಾರವಿದ್ದೇ ಇದೆ.

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—Slum area ಎನ್ನುವುದಕ್ಕೆ ಅರ್ಥವಿವರಣೆಯಿದೆ. ಮುನಿಸಿಪಾಲಿಟಿಯಿಂದ ಲೈಸೆನ್ಸ್ ಇಲ್ಲದೆ, ಸ್ಥಳಕ್ಕೆ ಯಾವ ಹಕ್ಕುಭಾಧ್ಯತೆಯೂ ಇಲ್ಲದೆ, ಕಟ್ಟಿರುವ ಮನೆಯ ಆವರಣವನ್ನು ' ಸ್ಲಂ ' ಎನ್ನುತ್ತೇವೆ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಯಾವ ಸೆಕ್ಷನ್ನಿನಲ್ಲಿ ಅದನ್ನು ಹೇಳಿದೆ ?

ಶ್ರೀ ಎ. ಭೀಮಪ್ಪನಾಯಕ್.—ಸೆಕ್ಷನ್ ಬೇಕಾದರೆ ಹೇಳಬಹುದು. Proper authority ಇಲ್ಲದೆ, ಮುನಿಸಿಪಾಲಿಟಿಯ ಲೈಸೆನ್ಸ್ ಇಲ್ಲದೆ ಜಾಗವನ್ನು occupy ಮಾಡಿಕೊಂಡಿದ್ದರೆ ಅದನ್ನು ಸ್ಲಂ ಏರಿಯಾ ಎನ್ನಬಹುದು. ತಮಗೆ ಪುಸ್ತಕ ಓದುವುದಕ್ಕೆ ಬರುತ್ತದೆ.

ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ.—ಈಗ ಪ್ರಸ್ತಾಪ ಮಾಡಿರುವ ಮುಖ್ಯ ವಿಷಯಗಳ ಬಗ್ಗೆ ಸರ್ಕಾರದವರು ಸರಿಯಾದ ಗಮನವನ್ನು ಕೊಟ್ಟು ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡುವವರಾಗಿ ನಂಬಿರುತ್ತೇನೆ.

Section 4 reads :

" Where the competent authority upon report from any of its officers or other information in its possession is satisfied that any building in a slum area is in any respect unfit for human habitation..."

Sri A. BHEEMAPPA NAIK.—When an area is declared as a slum area, the buildings unfit for human habitation can be improved or demolished. Before declaring an area as a slum area, what are the factors that go to make up a slum area? If this point is not clear let us make it clear. Sri Jambanna said that Kumbaragere and Kurubaragere are not slum areas. It cannot be said so easily.

ಶ್ರೀ ಕೆ. ಟಿ. ಜಂಬಣ್ಣ.—ಕ್ಲಾಸ್ ಮೂರರಲ್ಲಿ "In determining whether a building is unfit for human habitation for the purposes of this Act" ಎಂದು ಇದೆಯೇ ಹೊರತು "slum area" ಎನ್ನುವುದು ಅದರಲ್ಲಿ ಇಲ್ಲ.

ಕೊನೆಯದಾಗಿ ಮಂತ್ರಿಗಳು ಇಲ್ಲಿ ಇಲ್ಲದೆ ಎದ್ದು ಹೋಗಿರುವುದರಿಂದ ಮಾತನಾಡುವುದಕ್ಕೆ ನನಗೆ inspiration ಬರುವುದಿಲ್ಲ. ನಾನು ಸೂಚಿಸಿದ ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನು ಸೇರಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿ, ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri Kadidal MANJAPPA (Minister for Revenue).—What is the allegation?

Mr. SPEAKER.—The Hon'ble the Revenue Minister was not present. The point is that the Hon'ble the Law Minister went away after introducing this Bill as he had to go to the Upper House. The question arose as to whether it would be proper for us to go on with the Bill in the absence of the Minister. Normally the Ministers must be present in the House and the Minister concerned must be present especially when a subject concerning him is being discussed in the House. It was rather unfortunate that the Minister had to go. He had to introduce another Bill in the Upper House. That is why after introducing the Bill I said he could go. Now, the Opposition Members are saying : "How can we offer our remarks in the absence of the Minister." I expressed that they might speak and there were others to take down notes. I also told them that I would try to see that next time such an incident did not recur in any case.

Sri Kadidal MANJAPPA.—As you have rightly observed, Sir, my friend the Law Minister has to pilot a Bill in the Upper House and therefore he had to be absent from this House.

Mr. SPEAKER.—I go a step further and make it clear that this question was discussed at the Presiding Officers' Conference and it was decided there that a Minister should normally be present in the House and especially so when his subject was being discussed. It is unfortunate that this incident has happened.

Sri S. D. KOTHAVALE (Chikodi).—Sir, it is not necessary as a matter of rule that the Minister who has piloted the Bill must be present in the House. I quite agree that it is desirable that the Minister in charge should be present as he has to reply to the debate. But it should not lie in the mouth of the Hon'ble Member to say that he cannot make his speech in the absence of the Minister. That position is not correct.

Mr. SPEAKER.—I am very sorry the Hon'ble Member Sri Kothavale is ripping open the wound that has been healed. I have already made it clear that the consensus of opinion of the Presiding Officers was that normally a Minister should be present in the House and especially so when his subject is being discussed. This is a matter of convention. Of course, anybody can aruge that there is joint responsibility and that any Minister is as good as the other.

Sri K. PUTTASWAMY (Mysore).—Am I to take it, Sir, that your previous ruling is overruled by your latest ruling?

Mr. SPEAKER.—I shall give the whole history. I was responsible for raising this question at the Presiding Officers' Conference. I wanted to know their consensus of opinion as to when a Minister can be present or absent or when he should be present in the House. I have already informed the House the consensus of their opinion.

Dr. K. K. HEGDE (Minister for Health).—May I know whether it will be possible for two Presiding Officers to insist on one Minister being present in both the Houses at the same time?

Mr. SPEAKER.—I have already given a reply.

Sri A. BHEEMAPPA NAIK.—The Ministry can so adjust the business that one Minister may not have to be in two places at the same time.

Mr. SPEAKER.—I entirely agree with Sri Bheemappa Naik. The businesses of both the Houses can be so arran-

ged that when a Minister's subject is taken in one House he must be present there. But unfortunately this incident has happened.

[*Sri J. B. Mallaradhya rose.*]

Sri S. D. KOTHAVALE.—Sir, I request that Hon'ble Members may so adjust their speeches as to accommodate the several other Hon'ble Members who want to participate in this debate.

Sri J. B. MALLARADHYA.—Sir, I do not know why they are apprehensive that I will take a long time. If they do not want the benefit of my experience, I am certainly not anxious to give it. I may tell you, Sir, that the moment you want me to sit down I will sit down. There are not many speakers and we will adjust ourselves and see that we will finish within the time allotted. I do not say that I wholeheartedly support this Bill ; I am trying to support this in parts. I have serious objections to certain parts of the Bill

To start with, my friend the Hon'ble Minister for Law said that they have a sum of Rs. 75 lakhs at their disposal and one manner of trying to see that the money is spent is to pilot this Bill. I am rather surprised at this. Merely because the Government of India have allotted a sum of Rs. 75 lakhs for this purpose and that amount is lying idle without being utilised he wants to pilot a Bill. I do not know if the Government of India have made a condition precedent that "unless you place this measure in the present form on the Statute Book that amount will not be made available for expenditure." That is a point on which I request the Hon'ble Minister to clarify. As my friend Sri K. T. Jambanna with an experience of nearly 30 years in regard to Local Self-Government administration stated, I wish very much that the very name of the Bill had been changed to "Mysore Slum Clearance and Rehabilitation of Slum Dwellers Bill" instead of saying Slum Areas(Improvement and Clearance)Bill. I personally feel that it would have been better and even now if the Hon'ble Minister will accept, the words "the Mysore Slum Clearance and Rehabilitation of Slum Dwellers Bill" may be substituted.

Sri M. C. NARASIMHAN.—Unless there is a programme for rehabilitation how can you include it in the Bill?

Sri J. B. MALLARADHYA.—I am indirectly criticising Government for not contemplating measures for rehabilitation when introducing this Bill. I have scanned through the various sections of the Bill ; I see nowhere any provision made for alternative accommodation being made available to these people who are now dwelling in slums at rates which are compatible with their ability to pay. There seems to be no sense of proportion in regard to these matters. What is the economic status of the people who are now dwelling in these slums? Most of them, more than 99 per cent of them are helpless and their economic condition below par or sub-standard. When you talk of clearing slums without making provision simultaneously for rehabilitation, what is that measure which you are placing on the Statute Book? I know there is a Housing Board of which my friend Sri Bheemappa Naik is the Chairman. I have every hope that he will do very well. But I am afraid the problem of slum dwellers is not going to be solved at all or is it within the purview of the Housing Board ?

Sri A. BHEEMAPPA NAIK.—I have nothing to do with that.

Sri J. B. MALLARADHYA.—That is what I say. We have today in Mysore and Bangalore, City Improvement Trust Boards which have been functioning for a number of years; we have also rules and bye-laws of various municipalities in this regard; we have various local enactments; then why do you want this Bill to be piloted? What are the two City Improvement Trust Boards in Mysore and Bangalore doing? To my knowledge they are only busy making lay-outs, trying to convert every inch of ground into building sites and making money without even making provision for play grounds or lung space and things of that kind. I know as a matter of fact when these two Boards were constituted the idea

(SRI J. B. MALLARADHYA)

was that they were primarily responsible for devoting attention to the clearance of slum areas and town improvement.

Sri K. S. SURYANARAYANA RAO (Mysore City).—Please look into the schedule. There are eight places in addition to Mysore and Bangalore.

Sri J. B. MALLARADHYA.—There are certain existing enactments to regulate slum clearance and improvement; why do you want a Bill like this when you have not been functioning satisfactorily under existing enactments? You do not listen to me in full. It is quite like an Advocate who does not even allow the opposite counsel to finish his argument and then take his chance when it comes.

Sri U. M. MADAPPA (Chamarajanagar)—He is also an Advocate. (*Laughter*).

Sri J. B. MALLARADHYA.—I personally feel that it is because of laxity in the enforcement of the existing provisions of the various statutes and laws that Government are compelled to seek protection by bringing this measure before the House. We attained our independence as far back as 1947 and you think of the Slum Clearance Act today! I am surprised. It was in the year 1936 or 1937, if I remember correctly, that England brought on the Statute Book what is called the England Housing Act as a result of which they wanted to aquire houses without much trouble and delay and at minimum cost. But we have taken ten years.

Sri Kadidal MANJAPPA.—How many years England took?

Sri J. B. MALLARADHYA.—I am sorry I do not know. What I am saying is that eleven years is sufficiently a long period for any State Government or even for the Central Government to have brought this measure. In the year 1957 it was due to the efforts of the Bharat Sevak Samaj and at the instance of Pandit Nehru that this idea has come to the forefront. Pandit Nehru said on some occasion that it was a disgrace that slum area should exist anywhere and suddenly this criticism began to worry people and they began to function at New Delhi. We do not seem to give effect to the existing rules; we do not enforce laws rigorously and now we are placing another Bill. I am not at all against slum clearance. But what you are doing is, you bring in some legislative measure and you do not take action to carry it out. I am certain that this amount of Rs. 75 lakhs is not going to be spent at all in the proper manner.

Sri K. K. HEGDE.—You mean to say that the Government of Mysore ought not to have brought this Bill even at this stage?

Sri J. B. MALLARADHYA.—I intended to suggest that if the Government of Mysore was keen on slum clearance as a national problem, they could have enforced the existing enactments and there was no necessity at all to bring in this Bill. Not that I am against it even at this stage. I only say that because Pandit Nehru at some stage in the administration of the Government of India took into his head that the Slum Clearance Act should be placed on the Statute Book, everybody is mighty keen. Even the bye-laws of Town Municipal Councils provide for slum clearance. They seem to have forgotten their primary responsibility. I also refer to Mysore City Improvement Trust Board and the Bangalore City Improvement Trust Board. None of them have devoted sufficient attention to slum clearance. This was their primary responsibility.

As in the case of the Co-operative movement, interest in town planning began more than fifty years ago. Mysore was the pioneer in regard to town improvement work; we got kudos for it. Perhaps Baroda and Hyderabad came later into the field. We were in the picture even before the British took credit for town planning. We were applauded and admired all round. Later we deteriorated. I am reminded of a statement which is like this. "It is not that Caesar grew great but that Rome degenerated." After we had started well and functioned for some time we completely forgot our responsibility in regard to slum clearance and we went about beautifying

towns and cities. I am not against beautification of towns ; but we forgot our most elementary duties of attending to slum clearance work. My main objection is that for the last ten years after the attainment of independence, people who talked about elevation of the masses, the common man and the oppressed, scavengers, workers, and safeguarding the interests of those people, never took care of it and that is why this is looming large as a big problem at present.

Mr. SPEAKER.—The House will now rise for recess and meet after half an hour.

The House adjourned for recess at Three of the Clock and re-assembled at Thirty Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

Sri J. B. MALLARADHYA.—Sir, I was referring to the statement made by the Hon'ble Minister that the Government of India has made available a sum of seventy-five lakhs of rupees for slum clearance work in Mysore State and that if this Bill is not passed, it will be difficult for the Government to spend that money. I am definitely in favour of utilising the money. My point is—I do not know if the Government are aware of the principles which regulate the scheme as contemplated by the Government of India, because I am afraid that this principle has been missed in the Bill. I had the occasion to represent the Mysore State on the Seminar held in Bangalore only a month and a half ago on behalf of the Institute of Public Administration in regard to the development and re-development of cities. They formulated three fundamental principles in regard to this question of slum clearance. One of these principles is that there should be the minimum dislocation of slum dwellers. The second is : as far as possible they should be re-housed in existing sites where they are placed. The third is that they should not be uprooted from the field of employment. There was a lot of emphasis not merely on the provision of other sites, but on certain standards of environmental hygiene rather than merely the construction of labour huts. I would want to know from the Hon'ble Minister who suggested that they had schemes ready whether they have these fundamental principles kept in view. Otherwise, sooner or later, the Government of India are likely to find fault with us. It is not merely the removal of a few establishments and uprooting a few slum dwellers. Arrangements have to be made for their rehabilitation, for their economic well-being. Most of them are unemployed people. Are we going to rehabilitate them in places where provision is made for cottage industries, where provision is made for small industries ? This Bill does not indicate anything as to what measures are to be taken for rehabilitating the slum dwellers. I should not be misunderstood as opposing the Bill on the ground . . . .

Sri T. SUBRAMANYA.—It is helpful. Our idea is to give them good sites of equal measurement in the neighbourhood, if possible, very near their place of employment, so that they will not once again get into a filthy place. That is the idea. But with regard to rehabilitation and so far as employment is concerned, we are afraid that we cannot do it. With regard to the first two conditions, we have kept them in view.

Sri J. B. MALLARADHYA.—I would also invite the attention of the Hon'ble Minister to the committee set up by the Government of India presided over by Mr. A. K. Sen, the Law Minister to the Government of India, for examining this question. They laid emphasis not merely on the demolition of the buildings, but also on alternative accommodation and other facilities. Suppose you offer 100 sites for those slum dwellers. You should give them free sites, build houses and allow them to live. If as a part of the slum clearance scheme you do not make adequate provision for their rehabilitation they will be on the foot path, care of pials of temples or choultries.

Sri T. SUBRAMANYA.—I will not be able to walk about the streets if that happens.

Sri J. B. MALLARADHYA.—If the proposed scheme does not furnish an integrated picture of what you are going to do after the slum clearance order is passed, I do not think this Bill would be acceptable to this House nor can you consider this to be a very progressive piece of legislation.

Then, Sir, in regard to the clauses of the Act, I would like to invite attention to clause 3 in regard to declaration of slum areas : in sub-clause (*b*) you refer to morals. This is what you say :

(where the competent authority is satisfied).

> " (*b*) that by reason of dilapidation, overcrowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities or any combination of these factors, are detrimental to safety, health or *morals* :"

Who is going to determine what exactly is the way in which morals are endangered ?

Sri T. SUBRAMANYA.—It has a wide significance. My Hon'ble friend knows.

Sri J. B. MALLARADHYA.—We are thinking of clearing slums; where is the question of morality coming in ? Rather, morality consists in giving them alternate accommodation.

Sri T. SUBRAMANYA.—I can give a few instances here wherein slums . . . .

Sri J. B. MALLARADHYA.—What you have at the back of your mind, I know and there is another Act to govern that. There is no need for that word morality in this clause.

Clause 4.—You say that this legislation is intended to avoid inordinate delays in the matter of clearing slum areas. But if you see clause 4, you will find :

> " ...serve upon the owner of the building a notice requiring him within such time not being less than thirty days. . . ."

I do not know whom you are going to appoint as the 'competent authority'—whether it is the Municipal Commissioner or the Municipality itself. If you do not fix the time before which these cases should be disposed of, it is the same thing as the land acquisition cases of village panchayats and village sites. You must fix up a time limit before which these things should be disposed of. Otherwise, everybody will begin to sleep.

Sri T. SUBRAMANYA.—It all depends upon who sits on the horse !

Sri J. B. MALLARADHYA.—I do nos know who sits on the horse.

Sri T. SUBRAMANYA.—I hope, I will do it.

Sri J. B. MALLARADHYA.—It is better that you take legal sanction to do that kind of a thing.

Then Sir, clause 7.—Power of competent authority to order demolition of buildings unfit for human habitation—You say in sub-clause (3) that "it shall be demolished within six weeks after the expiration of that period." If you take into consideration the time that you allow for appeals, I think this is a matter which is going to drag on indefinitely. The reason why I said that time-limit should be fixed is: supposing you declare a building unfit for human habitation; you pass an order that it should be demolished and supposing the man goes in appeal and the appeal is not disposed of, what should happen ? If you do not fix a time limit within which you have to dispose of cases, there will be a great laxity in regard to the time factor.

Sri T. SUBRAMANYA.—More time would lapse.

Sri C. J. MUCKANNAPPA (Gubbi).—I rise to a point of order. Some time ago, the Hon'ble Speaker gave a ruling that ordinarily a Member should stand and speak unless he is handicapped by reasons of health, in which case previous permission of the Chair should be obtained to sit and speak. When you are saying that you are going to establish conventions, the Hon'ble Minister for Local Self-Government is interrupting the Hon'ble Member who is on his legs and each time, he is sitting and speaking.

Mr. DEPUTY SPEAKER.—It is not a point of order. The Hon'ble Minister is just clarifying the position.

Sri C. J. MUCKANNAPPA.—There is already a ruling given by the Speaker that any Member or Minister, unless he is prevented by reasons of ill-health or for some other reason and unless permission is sanctioned by the Chair, he should not sit and answer or make interruptions. I think I am perfectly in order to raise the point. There is a point of order involved here. I therefore request the Chair to give a ruling.

Mr. DEPUTY SPEAKER.-Of course, whenever a reply is required, every Member or Minister has to stand up and reply. But here in this particular case, I do not think the Hon'ble Minister was saying anything by way of reply. He was only giving some clarifications in the middle of the speech then and there. But if a long reply is required, of course, the convention of standing and speaking will have to be respected by all the Hon'ble Members of the House.

Sri J. B. MALLARADHYA.—Sir, in regard to clause 10: Slum Clearance Order:

> "(1) As soon as may be after the competent authority has declared any slum area to be a clearance area, it shall make a slum clearance order in relation to that area ordering the demolition of each of the building specified therein and requiring each such building to be vacated within such time as may be specified in the order and submit the order to the State Government for confirmation."

The competent authority is expected to make the order. If you will kindly turn to clause 30—Appeals:

> " (1) Except as otherwise expressly provided in this Act, any person aggrieved by any notice, order or direction issued or given by the competent authority may appeal to the Divisional Commissioner within a period of thirty days from the date of issue of such notice, order or direction."

I personally feel that there is some inconsistency. If there is a slum clearance order, it is sent to the Government who have to take a final decision.

Mr. DEPUTY SPEAKER.—You have already taken 30 minutes.

Sri J. B. MALLARADHYA.—On behalf of our party, there are not many members who will speak. I will finish.

I want to know why it should be sent to the Government for confirmation. Supposing in respect of all the 10 municipalities to which you make it applicable, there are a number of slum clearance schemes, if every order is sent to you for confirmation, what time would it take?

Sub-clause (3) says:

> "(3) if the State Government confirms the order either *in toto* or subject to variations, the order shall become operative from the date of such confirmation."

Government started by saying 'we want to eliminate delay at every stage' and you are making this provision in this Bill. What I say is, why should this order be submitted to the Government? It means delay and that delay must be eliminated. My point is that the competent authority, if it is really competent to do justice in the matter, should take into consideration all local conditions and pass the order. You may provide an appeal and fix up a time limit to dispose of the appeal. But do not allow it to come to the Government.

Sir, it is said in sub-clause (5):

> "........demolish the buildings and sell the materials thereof."

You have made provision for meeting the cost of demolition. Supposing the value of the materials is in excess of the cost of demolition, there is no provision to disburse the surplus amount to the party concerned. Is it going to be confiscated to Government? Is it not necessary that that amount should be enabled to be given to the person concerned?

Sri T. SUBRAMANYA.—I expect nothing will be left over, because the places will be such. Even if something is left over, Government cannot confiscate. The natural law is enough to enable the owner to get back whatever remains over.

Sri J. B. MALLARADHYA.—Why don't you make a provision for that in this Bill itself, and say that after demolition, the surplus money will be given to the owner concerned?

Proviso to item (7) of clause 10 says:

> "Provided that an owner is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may at any time appeal to the State Government and the State Government shall make such order in the matter as it thinks fit......"

What is the appeal? Is it against the order passed under clause 10? Is it a review of the order or is it an appeal against the Government itself? Where is the need to make another provision for an appeal under this clause, I do not understand.

Sri S. D. KOTHAVALE.—There will not be appeal against the order of confirmation. But there will be appeal against other orders which are mentioned in clause 30.

Sri J. B. MALLARADHYA.—I am now only referring to sub-clause (7). I am not referring to clause 30.

In regard to the question of compensation, I am afraid, Government do not seem to remember that even in Delhi which was the first to pass the Slum Clearance Act of 1958, they have agreed to compensate persons from whom lands or buildings are acquired, to give compensation at market rates. I am very definite about this. I do not know why Government is trying to fix this sort of a compensation and why it should not be at least a fair compensation, even if it cannot be doubled. I think they must take into consideration the market rate calculated on the basis of sub-registry records or local enquiry or at the rate at which land is being sold in that locality over a period of five years. I think it is unfair to the owners of land and buildings to fix a compensation as stated by my friend at 60 times the net average monthly income. I think this is a matter which requires reconsideration. It would be really unfair. I do not see why you should not make a provision in this particular clause that land may be surrendered by the party on an agreement between himself and the Government on the price to be mutually fixed and agreed upon. Why do you want everybody to make an appeal? That will give room for litigation. Supposing XYZ is willing to give the land on agreement, no provision is made for coming to a settlement by mutual agreement. I think a provision like that is very useful.

In regard to mode of payment of compensation, I do not know whether the Government have at the back of their minds payment by loan bonds as in the case of land reforms. Is it going to be cash, or fix some limit for payment in cash? This is not very clear.

In regard to sub-section (6) of section 15:

> "Where there is any building on the land in respect of which the net average monthly income has been determined, no separate compensation shall be paid in respect of such building."

Supposing the land acquired has some building on it, you say no separate compensation shall be paid for that building. You say that if land belongs to one man and is acquired under this Act by the competent authority compensation will be paid. But no compensation shall be paid in respect of buildings constructed thereon. I do not know the intention of the Government by this section. That would be unfair to the person who owns land and the building thereon. If you mean to say unauthorised structure, then it is all right. Supposing land is available and the building put upon it is also available, why do you deny the man to get some compensation?

In regard to eviction of tenants, I do not know if it is possible to avoid making this provision in this Act, and whether it is not possible to make a separate enactment for this. When the relationship between a landlord and the tenant is decided and when once there is a court order for eviction, you say the Divisional Commissioner has to pass an order. What has he got to pass an order? If the court has ordered that a tenant should be evicted, what else is there for the Divisional Commissioner to order?

In sub-section 5 of section 32, you say:

> "Notwithstanding anything contained in sub-section (3) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, or manager, secretary or other officer of the company, such director, manager, secretary......"

I personally feel that this provision is very much broad based so as to try to rope in managers, directors, etc. You cannot drag a director or manager who will be living far away. Merely because he is a shareholder, should he be responsible for the offences committed by others? I think it is better that you restrict the scope of your punishment to the secretary or the managing director and there is no point in dragging in all the directors.

In regard to another matter to which I would like to draw the attention of the Government is, there was a committee set up by the Planning Commission. They reviewed a number of schemes relating to the Government and also formulated a scheme on which these schemes have to be based. I would like to know if the Government have in view the constitution of a committee or a board or one single officer for a region to see that the provisions of this Act are fully enforced. If you leave it to the municipalities, it is one thing. If you make municipalities competent authorities, a lot of difficulties will be solved. But if you make any independent authority to look after these, there are bound to be difficulties. The Planning Commission has recommended that it is better to have a statutory board for the slum clearance schemes. I do not think there is any need to appoint somebody as Chairman and all that. There are people willing to serve in honorary capacities.

In regard to the experience gained by the Bombay Government. I had a particular occasion to discuss with the Commissioner there. They have a composite scheme, *viz.*, slum clearance, street clearance and the poor class accommodation schemes. It is better that we also make provision in this Bill for all the three aspects of slum clearance. Unless you have an integrated scheme I am afraid this Bill will merely adorn the statute book and would be of no practical benefit at all. We have also to make provision for developing areas and re-develop areas, within city and town limits. Unless you make provision for development of areas, rehabilitation of slum dwellers and improvement of the existing slums, this Act would not fulfil the purpose for which it is intended. I do not want to take much of the time of the House but only wish to emphasise the fact that the framers of the Bill lack the imagination, forethought and the necessary urge for a comprehensive outlook in dealing with such an important legislative measure.

Sri K. HANUMANTHAIYA (Ramanagaram).—I welcome the introduction of this Bill. Slum clearance is a problem which is not only urgent but also commends universal acceptance. So far as this Bill is concerned, I feel it is not adequate for the purpose of tackling slum clearance. In the definitions and the scope of the Bill I see that the most difficult part of the problem has not been tackled, that is, unauthorised occupation and erection of huts. This Act makes provision for acquiring slum areas which are owned by individuals or companies. It is no doubt true that there are many areas in cities like Bangalore where land owners make it a means of exploitation. But, I know

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by personal experience not only as the former Presiding officer of this municipality but in another capacity as well that there are very many slums in this city which are unauthorised. I can name hundreds of houses being built unauthorisedly not by people of the place but by what is called floating population who stay for a period here for the purpose of daily wages.

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They remain for some time and afterwards, if they do not find employment, go away. It is this problem that is most acute in a city like Bangalore. There are slums on Government lands. No rent is being levied. Nobody has permitted them to build or reside in those places. There are several such slums in Bangalore City. What are we to do with this unauthorised occupation of Government lands and municipal lands? You merely make provision for payment of compensation. To whom are we to pay compensation when the land is Government land or when the land is unauthorisedly occupied? Therefore, this Bill has to take in its scope unauthorised construction and occupation. The majority of slum dwellers in Bangalore City are unauthorised occupants. If you examine the slum huts or houses you will find two prominent features. They are not permanent residents of Bangalore City or Mysore State. They are floating population. Secondly, as I have already made it clear, it is a hard fact that most of them are unauthorised occupants. When you very liberally and generously provide alternate sites and dwelling habitations, are you going to make provision for all this floating population? What is the amount of money required and at whose cost? It is easy for us to grow generous and sentimental, but all the same money has to be found. The money that has been allotted for this purpose for the whole State during the Second Plan period is just Rs. 40 lakhs. If we take into consideration the cost of site and material, we will not be able to clear even one slum in Bangalore City. Therefore, we have to make suitable provisions in the Bill to cover the instances I have just narrated.

Secondly, the definition of overcrowding applies legally not merely to the so-called commonly accepted slums. There are several areas in the city which are overcrowded. For instance, if there is just a small house, in each room there will be a family and the common hall is used for the common purpose of dining or sleeping. Overcrowding has become a general feature of the old Bangalore City and the old portion of the cities like Mysore. Therefore, when you say 'overcrowding', the scope of your responsibility increases indefinitely. No doubt, there is a Bill before the House. Apparently, we have a right to pass the measure and implement it, but there is the sword of Democles, as they say, of the pattern set by the Government of India. I will read one relevant paragraph of the scheme of the Government of India.

> "As for the standards laid down by the Central Government about Rs. 1,250 must be spent per family for a site 25′ × 40′ along with a bath, W.C., fence, public tap, roads, etc. Building materials worth Rs. 150 are to be provided to them for constructing their own hut. These sites are to be leased to them at Rs. 3 per month."

It is impossible to work this scheme in Bangalore City at any rate. These plans are framed for India as a whole and the principle of uniformity is the basis. This does not work in different areas uniformly well. There are 93 slums in Bangalore City and I am told there are about 75,000 to 1 lakh of people living there. If each family is to be given this specified area and facilities, it will run into crores of rupees before we solve the problem of slum clearance in Bangalore. I, therefore, plead that this Government has to make a representation to the Government of India not to tie its hands so tight. A lot of latitude must be given to the competent authority to adjust the measurements and

construction of buildings to suit local requirements and local resources. This is very important for the reason I am going to give. The Government of India framed a plan to build houses for industrial labour. They set a pattern and the place was located far away from mill areas. The result was that several hundred houses that were built in time were not occupied by the labourers. They said that either the colony was too far from their place of work or that the rent was too high. In Bangalore, several houses in the colony that was built in Rajajinagar were not occupied. The integration came in handy and they were handed over on a temporary basis to Government servants. Here, the Corporation scheme under the Government of India Plan envisages the allotment of alternative sites in Adugod, Venkataswamy Garden and Gowri Palya on the outskirts of the city. These people who live in slums are daily labourers who just want to run to their place of work in time and earn their livelihood. If you build hutments for them several miles away from the spot of work, they will not go there and the money that you may spend will have been spent in vain The houses will probably remain vacant and you will have to make use of them for some other purpose. I have seen several instances like that. We built colonies for refugees who came from Pakistan at Jayanagar. Not one refugee went to that place and ultimately I had to hand them over to the Reserve Police. The same thing happened in the case of Labour Housing Corporation buildings. This scheme therefore must be left to be worked according to the discretion of the local Government. This Government of India Scheme looks very fine on paper but it will not work so well. After two or three years you will find that the whole scheme will be unworkable.

There is another aspect which the Hon'ble Minister has to take into consideration. Very often in cities like Bangalore and Mysore unauthorised constructions come up overnight and the next day we see houses as though they are old houses. It is these unauthorised constructions everywhere that are creating slums and insanitary conditions.

Many a time by corrupt practices people will have also obtained licences. There is a High Court decision to the effect that when once a licence is given the Municipality has no authority to stop constructions, or resort to demolition. Therefore a specific provision must be made or drastic power must be taken under the Act in order to meet these contingencies of overnight construction and unauthorised occupation.

So far as compensation is concerned, I was very happy when my friend Sri Mallaradhya was pleading for the poor. But when he spoke that compensation should be the market value, I thought he was giving up his case. The real problem is that the slum area becomes so valuable because of the growth of the city. I might have an acre of land by inheritance; it is left vacant and all round houses are built; all of a sudden that area becomes increased in price hundredfold. Slum areas have become an eye sore because of their nearness to the place of work. Their price go up not because of any effort on the part of the landlord, not because of any special improvement he has effected but because of the growth of the city which was not his doing. It is the work of the society or the State as the case may be. Therefore no landlord should be allowed to take away the cream of profit which is not of his earning or work; it is because the city has grown and whatever extra profit that has come as wind fall ought to go to the Corporation or the State as the case may be. Imagine for a moment that there was no city round about that slum area; or factory near that area; that area would be worth as much as an agricultural land only. Therefore if we fix compensation we must give just compensation but not what is called market value. Market value is quite different from what is called just compensation. Whatever money the landlord might have invested by way of purchase or improvements may be calculated and

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compensation paid on that basis. He will have purchased it a long time back for some paltry sum. A rough idea may be formed—There is lacuna here. The landlords are so clever that they manipulate the rental receipts when they learn that a Bill is going to be passed and that sixty times the rental value will be awarded as compensation. Therefore it is dangerous to fix monthly rent as the basis of compensation. The authority that awards compensation must be given discretion. It is far better to say just compensation. There are several High Court decisions where it is stated market value includes the prospective value also. If the land is going to be converted into sites after five or ten years as the case may be, even that prospective profit ought to be taken into consideration in fixing the award of compensation according to the High Court decision. Therefore we must be specific in providing in the Act that the prospective or what is called in the income-tax phraseology " unearned income " value should not be included in the compensation. That should be made clear in the Bill itself. These are some of the suggestions I have made. So far as the Bill is concerned, though it is based on sound ideas to do social justice, to a great extent the provisions have to be up to the mark. There should be no loopholes. There should not be, as far as humanly possible, any lacuna for unscrupulous people, to take advantage of.

I therefore suggest, if it is acceptable to the Hon'ble Minister, that this Bill should go before a Select Committee in order to make it fool-proof. There are several members in this House who have had experience of being Presidents of Corporations and Municipalities. I am sure they, with their personal knowledge and experience, will be of great benefit to make this Bill a good measure. But if the Hon'ble Minister feels that this measure meets all the objections and doubts that I have raised I have no objection if it is passed straightaway.

I have one more doubt. On page 16, the last para refers to the jurisdiction of courts. It says:

> "The decision of the Divisional Commissioner on appeal shall be final and shall not be questioned in any court."

So far as the Constitution is concerned, it confers a right on High Courts and the Supreme Court to adjudicate between individual and individual, individual and State, State and State and between the Central Government and the State Government. Whether by legislation we can restrict the scope of the judiciary is a point for consideration. I am sure the Law Department might have examined this clause. But I have had no time to apply my mind to this legal aspect. I would be very happy if the Minister satisfies the House in regard to correct Constitutional position so far as this clause is concerned. If tomorrow the High Court entertains writ petitions against the decision of the Divisional Commissioner, to that extent the legislation that we pass will be infructuous. I do not want the Legislature to pass a legislative measure or any part of it which ultimately may be declared as inconsistent with the Constitution and its articles.

SRI M. C. NARASIMHAN (Kolar Gold Fields).—Mr. Speaker, the observations made by my friend Sri Hanumanthaiya only support the contentions advanced on this side of the House. No doubt with his vast experience he has raised certain practical difficulties which should be taken note of. I think the points made by my friend Sri Mallaradhya are also to the same effect. Though the principles of the legislation might be very good, in practice there are lots of difficulties which have to be taken into account which more or less defeat the very purpose in view and prevent us from realising the objectives which we have before us. A suggestion was made by my friend Sri Hanumanthaiya to the effect that the question of unauthorised occupation especially in cities ought to be taken note of.

It is true that it is a very serious problem as indicated by him. But my submission is that it is neither due to

any lacunæ in this particular Bill nor due to any lacunae in the legislation that is so far existing. There are already enough number of laws on the Statute Book governing municipalities which provide for adequate measures to tackle this question. But the unfortunate thing is that we have not been able to enforce those satisfactorily and with sufficient speed. That is one difficulty.

Sri K. HANUMANTHAIYA.—On a point of personal explanation. The point is that every unauthorised occupant has to be provided with site and house. That is the funny feature of it.

Sri M. C. NARASIMHAN.—Sir, this aspect is also dealt with in the recent recommendation of the committee on Slum Clearance, the Advisory Committee appointed by the Government of India. The question is got to be linked up with the town planning legislation. So far as our State is concerned, there is no Town Planning legislation. There is no special authority vested with power for previously determining the number of sites that has to come up in the cities. Since we do not have Town Planning schemes this difficulty has arisen. I understand that the Bangalore Corporation some years back wanted some amendments to the Corporation or Municipal Act in this regard. That matter is pending since two or three years before the Government and no action appears to have been taken in this regard.

The first point I would like to say about this Bill is that the whole Bill appears to be based on the conditions prevalent in what are called major cities, Calcutta, Madras, Bombay and Delhi. Among major cities, Bangalore is not included by the Government of India.

Sri J. B. MALLARADHYA.—Government of India by a recent order have recognised cities with a population of more than four lakhs as major cities and they have mentioned the names of fifteen cities and Bangalore is included there. I believe also that by a recent order they are subsidizing these cities—Bombay, Madras, Calcutta, Ahmedabad and Cawnpore—to the extent of two crores of rupees for slum clearance. But curiously however, Bangalore seems to have been omitted from the picture. It is a matter which the Hon'ble Minister may take up. I have definite information that that amount is made available by the Planning Commission and it is only Bangalore that is left out of the picture. It is much better if the Hon'ble Minister puts up a claim for subsidy. He should not be satisfied with 75 lakhs. He should correspond with the Government of India and get Bangalore included in the picture along with those other cities when we will be entitled to a subsidy and treated on a par with other cities as Bombay and Calcutta.

Sri M. C. NARASIMHAN.—Though the principle underlying the Bill is good, it is better we realise that the question of complete removal or rehabilitation of slums cannot be achieved anywhere in the near future. That aspect has to be borne in mind because of the impracticability of the scheme. Secondly there is the financial difficulty. Also you know it is a human problem and you have to provide alternative accommodation to which we cannot shut our eyes completely. It is a question of finding necessary finance which runs to colossal dimensions. All these are practical problems which cannot be solved within the ambit of the Planning Commission's Five-Year Plan. The only practical thing would be, as suggested by the Advisory Committee, to improve the slums rather than clear them. With the allotment which is at our disposal, it will be absolutely impossible to do justice even to the 92 slums existing in Bangalore City alone. As for the slums in the other towns, we can never take note of them. That is my opinion.

So far as certain other aspects of the Bill before us are concerned, I wish to say a few words. There is the question of over-crowding which is raised by my friend Sri K. Hanumanthaiya. Actually I do not know what we mean by a 'slum'. Regarding over-crowding as such I have here figures of 1951 Census of Bangalore City. If you take Nagartharpet to Narasimharaja Road, it has a population of 1,35,000 per square

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mile; if we take the area from Balepet to the Railway Station, it has a population of 53,832 per square mile. Then taking Srirampur, which has slum areas, it has a population of 16,730 per square mile. If overcrowding is the criterion or the yard-stick, which you say causes insanitary conditions, the first area that ought to be declared as slum area and ought to be cleared under section 10 would be Balepet and Nagartharpet areas and not the working class area. There is another point, and that is, we may not be able to do much by keeping literally to the definitions. Similar definitions are included in the Madras Act and in the Central Act and Delhi Act. At least in its implementation and administration, this aspect has to be taken note of.

There are certain other practical difficulties and I would refer to section 6. So far as section 6 is concerned, where works of improvement have been executed in relation to any of the aspects such as the maintenance of such works, of improvement, provision of amenities, etc.—the expenses are to be recovered not from the owner but from the occupier. This will act unnecessarily as a hardship. Secondly it is an impracticable proposition, because occupiers in the slums are admittedly people who are economically not in a position to meet all these charges. If you are trying to recover from those people the maintenance charges and also provisions of certain facilities such as electric light, water tap, etc., it will work as a serious hardship and it will lead to endless litigation against the concerned people. Also, there is no justification at all. Because work of improvement includes not merely necessary repairs to a particular colony or area, but also includes as under section 2 (h) (3) provision of light points and water taps, (4) construction of drains, open or covered, (5) provision of latrines, etc. This you are going to rocover from the occupier! Construction of drains, provision of light points and water taps, provision of latrines, etc., are the elementary functions of a Municipality or the Corporation. If those functions are to be given a go by and those functions are not to be a charge on the Corporation or the Municipality but are to be charge on the people who occupy—this is an extraordinary provision and it should go. There is no justification to recover this amount from the occupier. Strictly it should be recovered from the owner and the owner has been defined as a person receiving rent, etc.

Then turning to section 10 (6) "any expenses incurred by the competent authority in demolishing any building shall, if not satisfied out of the proceeds of sale of materials thereof, be recoverable by the competent authority as arrears of land revenue."—this is also a rather hard provision, especially when we know, as already pointed out, that quite a large number of occupants—occupants of Government land and revenue lands—are needy persons, and they have come into the slums because alternative accommodation was not available. Having come to the city to eke out their livelihood they are forced to live in slums. In respect of such persons also, if you were to insist on recovery of expenses, it will work as a hardship.

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In clause 11, provision is made that after the slum clearance order, the authority or the competent authority has to wait for 12 full months before any scheme of rehabilitation is undertaken. I do not see any reason why there should be such delay. After all, slum clearance order, I presume, will be passed only after the plans for rehabilitation has been made and after the lay-outs have been sanctioned. Even before this is done, why should the slum clearance order be passed ; or if plans are ready, why wait till 12 months are over? This means, there will be endless delay. In the beginning, the Hon'ble Minister suggested that alternative accommodation would be given to them in near about areas. Why they should want 12 months, I cannot understand. It only means that no rehabilitation programme will be undertaken for 12 months. This is not

correct from the point of view of the declared objectives.

Another point is this: The Hon'ble Minister while introducing this Bill was pleased to say that people living in slum areas would not be disturbed and that alternative arrangements for accommodation would be made as far as practicable near those places themselves. If that is the real objective, I do not see any reason why it should not be included as part of this legislation. If you are taking some authority to deprive some people of their dwelling in the name of neatness, sanitation, etc., why should you not introduce that safeguard within the body of the legislation itself? That will be necessary so as to ensure the launching of a programme of rehabilitation within a well-defined time. If you do not have plans for rehabilitation ready, as least these persons in the slums would have a guarantee that you will not disturb them.

After all, is there anybody who would like to live in slums? People have to live in slums because they are compelled by circumstances. On account of the high rate of industrialisation, on account of the high rate of growth of urban population, over which the slum dwellers have no control, these slums have arisen. If the industries had not been concentrated in Bangalore or at Mysore, but had been decentralised and located at district headquarters, you will see that there would have been no slums at all. Why should you find slums only in cities like Bangalore? It is for the simple reason that there is concentration of industry. People want to live near about the factories. It is in the interest of efficiency; it is in the interest of production. It is not as if slums have been the creation of some people who are very anxious to make their living in those places. It is due to a variety of circumstances over which nobody has any control, but over which primarily the State has control. If there was a policy of decentralisation of industry or planning there would have been no slums at all. There is no reason why the State should not take all the responsibility for providing alternative accommodation. I am afraid that this Bill does not provide for such a thing, though as a matter of policy, the Hon'ble Minister was pleased to disclose his mind at the beginning.

Sir, another proposal is about compensation. I differ from all my colleagues here for one reason. My feeling is, there is no justification for a provision of 60 times the net average monthly income. So far as Bangalore is concerned, I submit that majority of slums are not on private lands. As already submitted by my Hon'ble friend Sri Hanumanthaiya, it is true that majority of slums are on Government lands and on revenue lands. But in the case of a few, the question of compensation does arise. In such cases, it is necessary to remember that these owners of land have invariably realised sufficient money or more money than they have actually invested. Of course, I must state that you should not think that all these considerations arise because I happen to be a member of the Communist party. I am not taking this from the point of view of the Communist party. But let us look at it from the practical point of view. If it is 60 times the net average monthly income, will it be possible for you to realise all those things laid down in the Statement of Objects and Reasons? It would not be possible. The amount of compensation will come to astronomical figure and it will be impossible for you to implement the proposal. The Hon'ble Minister may go with the satisfaction that he has passed a law, has done something for the improvement of the poor man and we will go back with the idea that we have done something. But in the actual practice, nothing can and will be done for the simple reason that there will not be enough money. If in a particular area people complain that there are slums, the Hon'ble Minister will say that the six lakhs or seven lakhs of the Central grant have been exhausted and there is no money. Under the Plan for the year 1958-59, the amount provided is only three lakhs for the purpose of slum clearance in our Budget. Is it being suggested that

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anything tangible can be done within these three lakhs? Not much can be done. So, Sir, in view of all this, I feel I have no hesitation in welcoming the declared intentions of the Government, but my fear is that in practice it will mean that some authority, call it competent authority, will be created and some appointments will be made and it will not help us to achieve the object that is placed before us.

Sri L. S. VENKAJI RAO (Basavanagudi).—Mr. Speaker, Sir, I am glad my friends have already taken enough time on this subject and have given tangible suggestions. I have this much to say. I cannot agree with Sri Narasimhan, who says that if the Government intends giving relief to those people in slum areas and if it is estimated that we have 93 slums in Bangalore, Government must be in a position to invest a considerable sum of money on this business. If you consider each slum area, it will be clear that Government will have to spend at least two lakhs on each. But the Hon'ble Minister says that the sum that Government would invest would be only 8 to 9 lakhs.

The other thing is, if we think of rehabilitation, we will be forced to think of slum clearance. First we have to acquire sites and then think of rehabilitating them. Provision is made here for both. Now the question does not arise in the case of industries, as my Hon'ble friend Sri Narasimhan attributed these slums entirely to the existence of industries. If you take the labour force as such in Bangalore, and compare them with the people living in slum areas, it becomes clear that they will not be more than 15,000 or 20,000.

The other thing is about the Government of India's scheme. My Hon'ble friend Sri Hanumanthaiya said, the area required is 25' x 40' and only the plinth would cost about Rs. 1,250. I agree with Sri Hanumanthaiya that it is going to be a very huge investment. As it is, in Bangalore, the hutments belonging to the Secretariat and other Government offices, are costing as much. Take, for instance, Guttahalli, Siddapur—if you are prepared to give sites, they are prepared to build small houses, and a small house capable of accommodating a family consisting of five persons would cost no doubt Rs. 1,250. We have had this experience when we built houses for refugees which were handed over to the Reserve Police.

Having seen all this, I say that enough provisions have been made in this Bill and in executing this, there would be some difficulties. To overcome these difficulties, the Government have brought this Bill as expediency. The object of the Bill is to provide proper housing facilities to the slum dwellers as quickly as it is humanly possible. I therefore support the Bill.

There are hutments which can be removed by an executive order. The city of Bangalore has more floating population than other places. After the advent of the new State it is calculated that the floating population is in the neighbourhood of 500 to 600 people per day. If that is so, such people are forced to find accommodation. The Corporation has taken into account all these factors and also the factors that might crop up. There is bound to be lacuna in any legislation because human imagination and intelligence have limitation. There are friends who always go on imagining difficulties time and again. Of course all those things have to be borne in mind but it should not be made as an issue for not bringing any such measure. Further, I wish to state that every industry is thinking of having its own colony. The Government of India, the State Government and other bodies have got several schemes in hand and within ten years I feel the industries will be able to house their labour and when that is done the burden on the State will be very much less. One thing that the Government should bear in mind—I do not say that they have neglected or are indifferent—and that is, the intentions the Government had prior to the introduction of the Corporation Act. My Hon'ble friend Sri V. P. Deenadayalu Naidu, Ex-Mayor of the Corporation,

will be able to give his experience in this behalf.

I have roughly calculated the cost for housing the people or rehabilitating them. According to the statement made by the Corporation about Rs. 75,000 is required per unit. We have to take into account the people who are capable of constructing their own buildings if we are prepared to give them sites at low rates. In my area 50 per cent of the population are able to have their own houses with the help of co-operative societies but who are at present living in slums. Recently the City Improvement Trust Board have decided to give 40 sites for which there were 950 applications. Out of these 950 applications 200 to 300 come from middle class and also lower middle class. If we take the *per capita* income of the people, the assistance the Central Government and the State Government are giving, I am sure 30 to 40 per cent of these people will be able to construct their own houses.

In the Bill provision has been made not only for slum clearance but also for rehabilitation. It may not appear that they have made such a provision but if we go through the Bill, we can come to the conclusion that Government have thought of it and that there is enough scope for rehabilitation. I personally feel that in such a measure there is bound to be some lacuna which can be overcome. I do not agree with my friend Sri Hanumanthaiya that this should go to a Select Committee. Advice may be sought from the municipalities whenever necessary. We have thought over this measure and I feel this measure should be accepted. I appeal to my colleagues to accept this Bill and see that we make use of the funds made available by the Centre.

*SRI F. H. MOHSIN (Hubli City).—I rise to support the Bill that is brought before the House. It is true that a large number of people living in towns and cities, live in slums. If we look to the average population living in slums in the whole of India, it ranges from 10 to 60 per cent. In Kanpur it is 60 per cent; in cities like Bombay, Madras it is 20 per cent; in Ahmedabad it is a little more. The total population living in city areas in the Mysore State is still low but all the same the problem is not negligible. As Sri M. C. Narasimhan put it, the slum population is more in the industrial places like Bangalore, Hubli, Mysore and K.G.F. To such cities the villagers go and put hutments and ilve without having any regard to sanitary conditions or other bad conditions prevailing in those areas. For that the Government is bound to make some arrangement for their rehabilitation. When we look to the present Bill, I am surprised to see that when a clearance order is made there is no alternative residence provided for the people residing in slums. The Hon'ble Minister has stated that they are considered to be wrong doers and the Government is not responsible whatsoever to provide any alternative residence. I may submit that the slum dwellers living in slums live there not because they like it. The circumstances compel them to live there. Due to the nearness of the factories in which they are working or due to the dire economic condition. the people are compelled to live in insanitary slums. For this not only the slum dwellers but the society in general is to be damned. It is the duty of the Government to see that the slum dwellers living in slums are provided with better accommodation elsewhere. When a slum clearance order is made the slum dwellers will have to vacate their hutments and even the humble hutments cost them something. Are we trying to give them any compensation? We are trying to give compensation to land owners for evicting them. But on compensation is paid to the persons living in slums and who have put on hutments. There is no provision in this Bill as regards compensation when the slum clearance order is made. Compensation is paid only for acquisition of land. It is true that the slum dwellers invest a small amount, but it is a big amount for them and Government will have to consider th[illegible] case also.

Secondly, besides giving compensation to them, it is also the Government's duty to provide them alternative

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residences. Even the pamphlet about 'Housing in India' issued by the Ministry of Works, Housing and Supply says at page 20:

> "The first principle is that there should be a minimum dislocation of slum-dwellers and efforts should be made to rehouse them, as far as possible, at or near the sites of the slums, so that they may not be uprooted from their fields of employment. The second principle is that the rents should be kept within the paying capacity of the slum-dwellers."

These are the two principles accepted by the Government of India. We have to see that the uprooted slum dwellers get a place nearby and that they are not sent away from their industrial concerns where they work. The second principle is that it is the duty of the Government to provide them alternative residences and that too at a rent which is within the paying capacity of the slum dwellers. It is not enough if the Government provides them alternative accommodation at a very high rent. The rent should be within the capacity of the slum dwellers. The Central Government has laid down certain principles in regard to rent also; it provides 25 per cent of the cost as subsidy and 50 per cent as loan, the State Government and the local authorities providing the remaining 25 per cent as subsidy from their own resources. All these factors will have to be taken into consideration before bringing in this legislation. The Hon'ble Minister said that there were other departments to provide housing accommodation. For example, the Housing Board is there to provide housing, but that may take a long time. But what is the interim arrangement for housing these persons whose huts have been removed? Should they be driven to the footpaths where they have to stay till the Housing Board gives them houses? At least they had some shelter in the slum area.

Section 15 deals with the basis for determination of compensation and the principles for determination of the net average monthly income are given in the Second Schedule. Paragraph 2 on page 21 of the Bill says:

> "For such determination the prescribed authority may hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax, assessment books of the municipal or other local authority concerned showing the rental value of such land."

This is not the only way in which we can come to a conclusion about the monthly rent. This may be one of the methods, but there are other methods also. Many land owners give incorrect figures to the municipality in order to escape from assessment of higher rent. So, this cannot be the only criterion to know the monthly income from the land. We cannot exclude the possibility of higher rent being received by the land owners. So, we will have to provide for inspection of rent notes, rent receipts, etc., in order to find out the actual rent received by a land owner. The average of 5 years has to be taken for finding out the annual income. That is too long a period. Three years would be sufficient for this purpose. I do not know why 40 per cent is to be deducted from the gross monthly income. After all, these are open lands and as such not liable for assessment. And 10 per cent is provided for repairs. I do not know why this has been provided for because open land does not require repairs.

The competent authority has to decide the claims of several persons for compensation and to decide the interests of various persons affected by the acquisition of a particular land. He has to decide certain matters wherein law is involved. Sometimes Mohammadan Law will have to be invoked and sometimes the Hindu Law of Succession. These intricate laws can only be understood by a man from the judicial service. Therefore, it will be in the fitness of things to appoint a man from the judicial service as competent authority.

Then, Sir, section 19 says that tenants in slum areas are not to be evicted without the permission of the

competent authority. Supposing a civil court passes an order. Is that order to be nullified by the competent authority under this section? Why allow a suit to be filed in the court and then get it nullified by the competent authority? If the intention is that none of the persons living in slum areas are to be evicted so as to make the work of acquisition easy, then there are other methods of doing so. Had it been provided that no suit should be filed to evict a person, that would have served the purpose.

As regards appeals, instead of giving the power of appeal to the Divisional Commissioner as is sought to be done under section 30, it would have been in the fitness of things if it had been given to the District Courts. I am entirely in agreement with the Hon'ble Member Sri Hanumanthaiya that sub-section (5) of this section should be deleted.

Then, I come to section 31 which deals with service of notices, etc. It says that a notice or order may be served on the servant of the family. Servant of the family is not defined under this Act. Sometimes they may be casually employed for the time being. Supposing a notice is served on such a person who does not know the legal consequence, should the master be put to that responsibility? Therefore, I cannot agree to the service of a notice or order on the servant of the family.

Coming to section 32, the penalty that is sought to be inflicted is very harsh and excessive. Sub-section (1) says:

> "Whoever does any act in contravention of any notice, order or direction issued or given under this Act shall be punishable with imprisonment for a term which may exend to three months, or with fine which may extend to one thousand rupees, or with both."

I think this way of inflicting penalty is very harsh and excessive and so it must be revised.

5 P.M.

My friend Sri Hanumanthaiya referred to the unauthorised occupation of municipal land and Government land by some floating population. It may be true to a certain extent. But there are existing laws. The Municipal Commissioner or the Chief Officer or any authorised person may evict such persons.

Sri K. HANUMANTHAIYA.—But the point is, before we evict such persons we must provide for alternative accommodation. Otherwise, suppose in cases of unauthorised occupation there are claims according to this Bill; then the problem becomes very difficult.

Sri F. H. MOHSIN.—The Hon'ble Member wants alternative accommodation for floating population. But it is very difficult to provide alternative residences for the floating population because it is always floating. We can make some arrangement for the residence of a person who is likely to stay there. Suppose a person stays for 15 days and goes away after 15 days; how can we provide for him permanent accommodation? Of course some other arrangement may be made by reserving sites for such persons and directing them to erect hutments in a particular way.

With these suggestions I very well support the move put forward by Sri Hanumanthaiya for referring the Bill to a Joint Select Committee.

With these few words I support the Bill.

*ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ಸರಕಾರದವರು ಇಂಥ ಒಂದು ಮಸೂದೆಯನ್ನು ತಂದು ಒಂದು ಒಳ್ಳೆಯ ಕೆಲಸ ಮಾಡಿದ್ದಾರೆ. ಒಂದು ಒಳ್ಳೆಯ ಕೆಲಸ ಮಾಡಿದಾಗ್ಗೆ ಒಳ್ಳೆಯದು ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳದೆ ಇದ್ದರೆ ಅದಕ್ಕೆ ದೇವರು ಒಪ್ಪುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಇದನ್ನು ಹೇಳುತ್ತಿದ್ದೇನೆ. ಕೊಳಕು ಪ್ರದೇಶದಲ್ಲಿ ವಾಸಮಾಡತಕ್ಕಂಥ ಜನರನ್ನು ಕೊಳಕಿನಿಂದ ತೆಗೆದುಬಿಟ್ಟು ನಿರ್ಮಲರನ್ನಾಗಿ ಮಾಡಿ, ಅವರನ್ನು ನವನಾಗರಿಕರನ್ನಾಗಿ ಮಾಡತಕ್ಕ ವಿಷಯ ಇರುವುದರಿಂದ ನಿಜವಾಗಿಯೂ ಸರಕಾರ ಕೃತಜ್ಞತೆಗೆ ಪಾತ್ರರಾಗಿದ್ದಾರೆಂದು ಈ ಮಾನ್ಯ ಸಭೆಯ ಮುಂದೆ ಹೇಳಲು ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಮಾಡಬಾರದಕೆಲಸ ಮಾಡಿದಾಗ ಒಳ್ಳೆಯ ಕೆಲಸ ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳುವುದಕ್ಕಾಗುವದಿಲ್ಲ. ಒಳ್ಳೆಯ ಕೆಲಸ ಮಾಡಿದಾಗ ಒಳ್ಳೆಯದನ್ನು ಮಾಡಿದ್ದಾರೆಂದು ಹೇಳಲೇಬೇಕಾಗುತ್ತದೆ. ಈ ಮಸೂದೆಯನ್ನು ತಯಾರ ಮಾಡಲು ಯಾವ ಆಧಾರದ ಮೇಲೆ ಯಾವ ರಿಪೋರ್ಟಿನ ಅಂಕಿ ಅಂಶಗಳ ಮೇಲೆ ಹೊರಟಿದ್ದಾರೋ ಆ ಬಗ್ಗೆ ಹೇಳಬೇಕಾಗಿದೆ. Statements of Objects and Reasonsನಲ್ಲಿ ಹೇಳಿದ ಹಾಗೆ, ಇದರ ಬಗ್ಗೆ ಇದ್ದ ಯಾವ Advisory Committee Reportನ್ನು ಪಂಡಿತ ನೆಹರು ಅವರು ಪಾರ್ಲಿಮೆಂಟಿನ ಮುಂದೆ ಇಟ್ಟಿದ್ದಾರೋ ಅದಕ್ಕೂ ಈ ಮಸೂದೆಗೂ ಅಜಗಜಾಂತರ ಅಂತರವಿದೆ ಎಂಬು

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ದನ್ನು ತಮ್ಮೆಲ್ಲರ ಅವಗಾಹನೆಗೆ ತರುವುದಕ್ಕಾಗಿ ಅದನ್ನು ಈಗ ಇಲ್ಲಿ ನಾನು ಓದಿ ತೋರಿಸುತ್ತೇನೆ. ಅದು ಹೀಗೆ ಇದೆ:

"The slum clearance programme should be tackled both through short-term and long-term measures. As regards the short-term objective, it says that unless a master-plan or an interim plan has been drawn up for a city or town, the main emphasis should be on slum improvement rather than on slum clearance. Meanwhile, every effort should be made to go ahead with the preparation of master-plans for the development of large cities and towns."

ಪಂಡಿತ ನೆಹರು ಅವರು ಹೇಳಿದ ಪ್ರಕಾರ, ಈ ರಿಪೋರ್ಟ್ ಮಾಡಿ ಅದನ್ನು ಲೋಕ ಸಭೆಯ ಮುಂದೆ ಇಟ್ಟಿದ್ದಾರೆ. ಈ ಮಸೂದೆಯನ್ನು ತರುವಾಗ ಏನು ಉದ್ದೇಶ ಇಟ್ಟುಕೊಂಡು ತಂದಿದ್ದಾರೋ ಅದಕ್ಕೂ ಇದಕ್ಕೂ ದೂರವಿದೆ. ಕೊಳಕು ಪ್ರದೇಶವನ್ನು clear ಅಂದರೆ ಚೊಕ್ಕಟಮಾಡುತ್ತೇವೆಂದು ಈ ಕಾನೂನು ಮಾಡುತ್ತಿದ್ದೀರಿ. ಆದರೆ ಇದರಲ್ಲಿ ಅಜಗಜಾಂತರ ಅಂತರವಿದೆ. ಇದನ್ನು ಸಂಬಂಧಪಟ್ಟ ಮಂತ್ರಿಗಳು ತೀವ್ರ ಯೋಚನೆಮಾಡಬೇಕು. ಈ ರೀತಿ ಮಾಡುವಾಗ ನಿಮ್ಮ ಹತ್ತಿರ ಒಂದು ಮಾಸ್ಟರ್ ಪ್ಲಾನ್ ಇಲ್ಲ. ನನ್ನ ಸ್ನೇಹಿತರಾದ ಮಾನ್ಯ ಹನುಮಂತಯ್ಯನವರು ಮತ್ತು ಮೊಹಸೀನ್ ಅವರು ತಮ್ಮ ಭಾಷಣದಲ್ಲಿ ಇದನ್ನು ಚೆನ್ನಾಗಿ ಹೇಳಿದ್ದಾರೆ. ಒಂದು ಕೊಳಕು ಪ್ರದೇಶದಿಂದ ಅಲ್ಲಿರುವ ಜನರನ್ನು ಆಚೆಗೆ ಹಾಕುವುದಾದರೆ ಅಂಥವರಿಗೆ ಇರಲು ಬೇರೆ ಕಡೆಗೆ ಒಂದು ಜಾಗ ಒಂದು ಮನೆ ಕೊಡಬೇಕು. ಬೇರೆ ಕಡೆಗೆ ವಾಸಮಾಡಲು ಅನುಕೂಲ ಒದಗಿಸಿಕೊಡದೆ ಅಂಥವರನ್ನು ಬೀದಿಗೆ ಹಾಕತಕ್ಕಂಥಾದ್ದು ಇಂದಿನ ನಾಗರಿಕತೆಗೆ, ಪ್ರಜಾಪ್ರಭುತ್ವಕ್ಕೆ, ಇದೊಂದು ಅಪಮಾನ ಎಂದು ಹೇಳುತ್ತೇನೆ. ಇಂಥ ಜನರು ಬೀದಿಯಲ್ಲಿ ಮನೆಯ ಮುಂಭಾಗದಲ್ಲಿ ವಾಸಮಾಡಬೇಕಾಗುತ್ತದೆ. ಇದಕ್ಕಾಗಿ ಒಂದು ಮಾಸ್ಟರ್ ಪ್ಲ್ಯಾನ್ ಇಲ್ಲ. ಮೊದಲೇ ಮಂತ್ರ ಹೇಳಲು ಬರುವುದಿಲ್ಲ, ಅಂಥವನಿಗೆ ಮದುವೆ ಮನೆಯಲ್ಲಿ ಮಂತ್ರಹೇಳು ಎಂದರೆ ಹೇಗೆ! ದೇಶಕ್ಕೆ ಒಳ್ಳೆಯದು ಆಗುತ್ತದೆ, ಅಶುದ್ಧ ಜಾಗವನ್ನು ಶುದ್ಧ ಮಾಡುತ್ತೇವೆ ಎಂದು ಏನು ಮಂತ್ರಿಗಳು ಹೇಳುತ್ತಾರೋ ಅದು ಮನಸ್ಸಿಗೆ ಬಂದಂತೆ ಬಾಯಿಗೆ ಬಂದದ್ದನ್ನು ಹೇಳುತ್ತಿದ್ದಾರೆಂದು ಎನ್ನಬಹುದು. He has not gone through the report of the Advisory Committee appointed by Pandit Nehru. ಸ್ಲಮ್ ಕ್ಲಿಯರನ್ಸ್ ಮಾಡಬೇಕಾದರೆ ಅದಕ್ಕೊಂದು ಮಾಸ್ಟರ್ ಪ್ಲ್ಯಾನ್ ಇರಬೇಕು. ಇಲ್ಲದಿದ್ದರೆ ಇಂಥ ಕೆಲಸಕ್ಕೆ ಕೈಹಾಕಬೇಡಿ. ಈ ಸ್ಲಮ್ ಇಂಪ್ರೂವ್‌ಮಾಡುವದಕ್ಕೆ ಹಣಕಾಸಿನ ಪರಿಸ್ಥಿತಿ ಏನು ಇದೆ ಯೋಚನೆಮಾಡಬೇಕು. 75 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಹತ್ತು ಊರುಗಳಿಗೆ ಹಂಚಿದರೆ ಸುಮಾರು ಎಂಟು ಲಕ್ಷ ರೂಪಾಯಿ ಒಂದು ಊರಿಗೆ ಬರತ್ತದೆ. ಇಷ್ಟು ಹಣದಿಂದ ಸ್ಲಮ್ ಕ್ಲಿಯರನ್ಸ್ ಮಾಡಲಾಗುತ್ತದೆಯೇ? ಇದನ್ನು ಮಂತ್ರಿಮಂಡಳವು ಸುದೀರ್ಘವಾಗಿ ಯೋಚನೆಮಾಡಬೇಕಾಗಿತ್ತು. ಯೋಚನೆಮಾಡದೆ ಅವಸರ ಅವಸರವಾಗಿ ಈ ಮಸೂದೆಯನ್ನು ತರಬಾರದಾಗಿತ್ತು. ಇಂಥ ಮಸೂದೆಯನ್ನು ತರುವಾಗ ಅದರಲ್ಲಿರುವ implications ಮತ್ತು complications ಏನೇನು ಇವೆ ಎಂಬುದನ್ನು ಯೋಚನೆಮಾಡಿಲ್ಲ. ಆದುದರಿಂದ ಇಂಥ ಬೃಹತ್ ಸ್ವರೂಪದ ಜಟಿಲವಾದ ಪ್ರಶ್ನೆಯನ್ನು ಟ್ಯಾಕಲ್‌ಮಾಡುವಾಗ ಕೂಲಂಕಷವಾಗಿ ವಿಮರ್ಶೆ ಮಾಡಿಲ್ಲವೆಂದು ನಾನು ಸರಕಾರಕ್ಕೆ ಹೇಳಬಯಸುತ್ತೇನೆ. ಈಗಲೂ ಕೂಡ ಈ ಮಸೂದೆಯ ಉದ್ದೇಶ ಸಾಧನೆಯಾಗಬೇಕಾದರೆ, ಈ ಮೊದಲು ಮಾತನಾಡಿದ ನನ್ನ ಸ್ನೇಹಿತರಾದ ಮೂರು ಜನ ಸದಸ್ಯರು ಹೇಳಿದ ಹಾಗೆ, ಈ ಮಸೂದೆಯು ಒಂದು ಜಾಯಿಂಟ್ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಪರಿಶೀಲನೆಗಾಗಿ ಹೋಗಲಿ. ಈ ಅಸೆಂಬ್ಲಿಯ ಅಧಿವೇಶನವು ಮುಗಿಯುವದರೊಳಗಾಗಿ ಇದನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮೀಟಿಯು ಪರಿಶೀಲನೆಮಾಡಿ ಇದರಲ್ಲಿರುವ ಲೋಪದೋಷಗಳನ್ನು ನಿವಾರಣೆಮಾಡಿ, ಅನಂತರ ಸಭೆಯ ಮುಂದೆ ಬಿಲ್ಲನ್ನು ತಂದು ಪಾಸ್‌ಮಾಡಿ, ಶಾಸನ ಕಡತಕ್ಕೆ ಏರಿಸಲಿ. ಈ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಅಧ್ಯಕ್ಷರ ಮುಖಾಂತರ ಸರಕಾರಕ್ಕೆ ನಾನು ಮನವಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

ಇನ್ನು ಸ್ಲಮ್ಸ್ ಹೇಗೆ ಕ್ರಿಯೇಟ್ ಆದವು? ಅದಕ್ಕೆ ಕಾರಣವೇನು ಎಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಇವೊತ್ತಿನ ದಿವಸ ಬೆಂಗಳೂರು ನಗರದಲ್ಲಿ ಟೆಲಿಫೋನ್ ಇಂಡಸ್ಟ್ರೀಸ್ ಇದೆ, H.A.L. ಇದೆ, H.M.T. ಇದೆ, ಭಾರತ ಇಲೆಕ್ಟ್ರಾನಿಕ್ಸ್ ಇದೆ. ಹೀಗೆ ಅನೇಕ ದೊಡ್ಡ ದೊಡ್ಡ ಇಂಡಸ್ಟ್ರೀಸ್‌ಗಳು ಬೆಂಗಳೂರು ನಗರದಲ್ಲಿಯೇ ತುಂಬಿಕೊಂಡಿವೆ. ಈ ರೀತಿ ಎಲ್ಲ ಉದ್ದಿಮೆಗಳೂ ಒಂದೇ ನಗರದಲ್ಲಿ ಇದ್ದುಬಿಟ್ಟರೆ ಕೆಲಸಗಾರರಿಗೆ ವಾಸಕ್ಕೆ ಸರಿಯಾದ ಸ್ಥಳವಿಲ್ಲದೆ ಸ್ಲಮ್ಸ್ ಆಗದೇ ಇರಲಾರವೇ? ಎಂದು ಧೈರ್ಯದಿಂದ ಹೇಳುತ್ತೇನೆ. ಆದಕಾರಣ ಯಾವದೊಂದು ಕಸಬನ್ನು ಸ್ಥಾಪನೆಮಾಡುವಾಗ ಬೆಂಗಳೂರು ನಗರದಿಂದ 50 ಅಥವಾ 100 ಮೈಲಿ ಆಚೆಗೆ ದೂರ ಹೋಗಿ ಸ್ಥಾಪಿಸಿದರೆ ಈ ಕಷ್ಟ ನಿವಾರಣೆಯಾಗುತ್ತದೆ. ಅಷ್ಟು ದೂರದಲ್ಲಿ ರೈಲು, ಇಲೆಕ್ಟ್ರಿಸಿಟಿ, ನೀರು ಮುಂತಾದ ಸೌಕರ್ಯವಿಲ್ಲದಿದ್ದರೆ ಜನರಿಗೆ ಅವನ್ನು ಒದಗಿಸಿ ಕೊಡಬೇಕು. ಇಲ್ಲದೆ ಹೋದರೆ ಇದು ಸಾಧ್ಯವಿಲ್ಲ. ಅಂಥ ಒಂದು ಕೈಗಾರಿಕೆಯನ್ನು ಸ್ಥಾಪನೆಮಾಡಿದ್ದರಿಂದ ಅಲ್ಲಿಗೆ ರೈಲು ಸಿಕ್ಕಿತು, ಎಲೆಕ್ಟ್ರಿಸಿಟಿ ಹೋಯಿತು. ಜನಸಂದಣಿ ಜಾಸ್ತಿ ಆಯಿತು, ಎಲ್ಲಾ ಸೌಕರ್ಯಗಳೂ ಆ ಜನಗಳಿಗೆ ಸಿಕ್ಕಿದ ಹಾಗಾಯಿತು. ಸರ್ಕಾರದವರು ಈ ಕೈಗಾರಿಕೆಗಳನ್ನೆಲ್ಲಾ ಕೇಂದ್ರೀಕೃತಮಾಡಿ ಇವೊತ್ತು ಸ್ಲಂಸ್ ರಚನೆ ಮಾಡಿದ್ದೀರಿ. ಅದಕ್ಕೇ ನೀವು ಆಗ ಮಾಡಿದಂಥ ತಪ್ಪಿಗೆ ಪಶ್ಚಾತ್ತಾಪ ಪಡಬೇಕು. ಇನ್ನುಮುಂದಾದರೂ ಅಂತಹ ತಪ್ಪನ್ನು ಮಾಡದೆ ಇರತಕ್ಕ ರೀತಿಯಲ್ಲಿ ಮನಸ್ಸನ್ನು ಮಾಡಿ ಎಂದು ನಾನು ಮತ್ತೊಮ್ಮೆ ತಮ್ಮನ್ನು ಪ್ರಾರ್ಥನೆ ಮಾಡುತ್ತೇನೆ.

ನೀವು "ಕೂಸು ಹುಟ್ಟುವುದಕ್ಕೆ ಮುಂಚೆ ಕುಲಾವಿ ಹೊಲಿಸಿದರು" ಅಂದಹಾಗೆ ಈ ಡೆಫನಿಷನ್‌ನಲ್ಲಿ ಕಾಂಪಿಟೆಂಟ್ ಅಥಾರಿಟಿ ಯಾರು ಎನ್ನುವುದನ್ನು ಹೇಳಿದ್ದೀರಿ. "Competent authority means such officer or authority as the State Government may appoint" ಎಂದು ಹೇಳಿದ್ದೀರಿ. ಸಿರಾ ಮುನಿಸಿಪಾಲಿಟಿ ಇದೆ. ಅಲ್ಲಿಗೆ

ಇದನ್ನು ಅನ್ವಯಮಾಡುತ್ತೀರಿ. ಅಲ್ಲಿ ಪ್ರೆಸಿಡೆಂಟರು ಇರುತ್ತಾರೆ, ಅವರು ಸರ್ಕಾರಿ ನೌಕರರು ಆಗುತ್ತಾರೆಯೋ? ಅಲ್ಲಿ ಯಾರಿಗೆ ಅಧಿಕಾರ ಕೊಡುತ್ತೀರಿ? ಡೆಪ್ಯುಟಿ ಕಮೀಷನರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟರೆ ಪ್ರೆಸಿಡೆಂಟರು ಡೆಪ್ಯುಟಿ ಕಮೀಷನರ ಅಧೀನವೇ? ಈ ಅಧಿಕಾರ ಯಾರಿಗೆ ಕೊಡುತ್ತೀರಿ? ಬೆಂಗಳೂರಿನಲ್ಲಿ ಯಾರಿಗೆ ಕೊಡುತ್ತೀರಿ? ತಾಲ್ಲೂಕ್ ಹೆಡ್‌ಕ್ವಾರ್ಟರ್‌ನಲ್ಲಿ ಯಾರಿಗೆ ಕೊಡುತ್ತೀರಿ? ಜಿಲ್ಲಾ ಹೆಡ್‌ಕ್ವಾರ್ಟರ್‌ನಲ್ಲಿ ಯಾರಿಗೆ ಕೊಡುತ್ತೀರಿ? ಇದನ್ನು ನಿರ್ದಿಷ್ಟವಾಗಿ ಹೇಳಬೇಕಾಗಿತ್ತು. ರೂಲ್ಸ್ ಮಾಡುವ ಅಧಿಕಾರ ಇದೆ, ನಮಗೆ ಬಂದಹಾಗೆ ನಾವು ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳುವುದು ಸರಿಯೇ? ಸ್ಟ್ಯಾಟ್ಯುಟ್‌ನಲ್ಲಿ ಇಲ್ಲದೇ ಇರುವುದು, ಆಕ್ಟ್‌ನಲ್ಲಿ ಇಲ್ಲದೇ ಇರುವ ಅಧಿಕಾರವನ್ನು, ರೂಲ್ಸ್ ಮಾಡುವಾಗ ಯಾರಿಗೆ ಕೊಡಬೇಕು ಎನ್ನುವುದನ್ನು ಯೋಚನೆ ಮಾಡುತ್ತೇವೆ ಎಂದು ಹೇಳುವುದು ಬಹಳ ದೂರ ಹೋಗುತ್ತದೆ. ಅದಕ್ಕೆ ಸರ್ಕಾರದವರು ಇದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ಡೆಪ್ಯುಟಿ ಕಮೀಷನರೇ, ಕಮೀಷನರೇ, ಅಸಿಸ್ಟೆಂಟ್ ಕಮಿಷನರೇ, ತಹಸೀಲ್‌ದಾರರೇ ಅಥವಾ ಪ್ರೆಸಿಡೆಂಟರೇ ಎಂಬುದು ಈ ಬಿಲ್‌ನಲ್ಲಿರುವ ಡೆಫನಿಷನ್‌ನಲ್ಲಿ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇದಕ್ಕೆ ಉತ್ತರ ಕೊಡುವಾಗ ಮನಸ್ಸಿಗೆ ಸಮಾಧಾನವಾಗತಕ್ಕ ಉತ್ತರವನ್ನು ಸರ್ಕಾರದಿಂದ ನಿರೀಕ್ಷಣೆ ಮಾಡುತ್ತೇನೆ.

(8)ನೆಯ ಸೆಕ್ಷನ್ ‘Procedure to be followed where demolition order has been made.’ ನೋಟೀಸ್ ಕೊಟ್ಟು ಒಂದು ಮನೆ ಒಡೆದು ಹಾಕುತ್ತೀರಿ. ಆ ಮನೆಯಲ್ಲಿ ಆಗತಾನೆ ಶಿಶುಪ್ರಸವವಾಗಿರುತ್ತದೆ, ಅದನ್ನು ಎತ್ತಿಕೊಂಡು ಅವರು ಯಾರ ಮನೆ ಬಾಗಿಲಿನಲ್ಲಿ ಇರಬೇಕು? Human consideration ಇಲ್ಲದೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೀರಿ. ನನ್ನ ಮನೆ ಒಡೆದು ಹಾಕಿದರೆ ನಿಮ್ಮ ಮನೆಬಾಗಿಲಿಗೆ ಬರಲೇ? ಇದನ್ನು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಿ. ಇಲ್ಲದೇ ಇದ್ದರೆ ತಪ್ಪಾಗುತ್ತದೆ.

(11)ನೆಯ ಸೆಕ್ಷನ್ ‘Power of competent authority to re-develop clearance area or any part thereof’ ಇದು ಏಕೆ? ಅರ್ಧಮಾಡುವುದು ಅರ್ಧ ಬಿಡುವುದು ಎಂದು ಈ half-hearted measure ಏಕೆ? ಈ ಅರ್ಧನಾರೀಶ್ವರ ಕೆಲಸ ಯಾವತ್ತೂ ಮಾಡುವುದು ಬೇಡ. ಅದನ್ನು ಶಿಖಂಡಿ ಒಬ್ಬನಿಗೇ ಬಿಟ್ಟುಬಿಡಿ. ಈ 11ನೆಯ ವಿಧಿ ಏನಿದೆ ಇದು ನನಗಂತೂ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇದು ಬೇಡ ಎಂದು ಹೇಳುತ್ತೇನೆ.

‘Basis for determination of Compensation’ ನಿಮ್ಮ Statement of Objects and Reasons ನಲ್ಲಿ ಬಹಳ ಕಡಮೆ ಖರೀದಿಗೆ, ಸುಲಭವಾಗಿ, ಜಮೀನನ್ನು ಕೊಂಡು ಸ್ಲಂ ಕ್ಲಿಯರ್ ಮಾಡಿ ಬಡಬಗ್ಗರಿಗೆ ದಾನಮಾಡಲು ಕೊಡಬೇಕು ಎಂದು ಇದೆ. ಹಾಗಿರುವಾಗ 60 ಸಾರಿ ಐದು ವರ್ಷದ ಹಣ ಕೊಡುವುದು ಎಂದರೆ, ಶ್ರೀ ಹನುಮಂತಯ್ಯನವರು ಹೇಳಿದಹಾಗೆ, ಬಹಳ ಜಾಸ್ತಿ ಹಣ ಬೇಕಾಗುತ್ತದೆ. ನ್ಯಾಯವಾದ ಪರಿಹಾರ ಕೊಡಬೇಕು. ಈಗಿನ ಪರಿಸ್ಥಿತಿ ಶ್ರೀಮಂತರ ಪರ ಇಲ್ಲ ಎನ್ನುವುದನ್ನು ಈ ಸಭೆ, ದೇಶದ ಜನತೆ ಒಪ್ಪಿಕೊಂಡಿದೆ. ಹಾಗಿರುವಾಗ ಐದು ವರ್ಷದ ದುಡ್ಡು ಕೊಡಿ ಎಂದು ನಿಶ್ಚಯ ಮಾಡುತ್ತಾ ಇದ್ದೀರಿ. ಆದ್ದರಿಂದ ಇದನ್ನು ಮಾಡಿಫೈಮಾಡಿ; ಇಲ್ಲದೇ ಇದ್ದರೆ ತೊಂದರೆಯಾಗುತ್ತದೆ, ಸರ್ಕಾರದ ಉದ್ದೇಶ ಪೂರ್ಣವಾಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಸೆಕ್ಷನ್ (19)ರಲ್ಲಿ ಟೆನೆಂಟ್ಸನ್ನು ಇವಿಕ್ಟ್ ಮಾಡಬಾರದು ಎಂದು ಹೇಳುತ್ತೀರಿ. ಕಾಂಪಿಟೆಂಟ್ ಅಥಾರಿಟಿಗೆ ಜಮೀನು ಬಿಟ್ಟುಕೊಡಿ ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಅಧಿಕಾರವಿದೆ. ಹಾಗಿರುವಾಗ ಆ ಅಧಿಕಾರಿ ತಮ್ಮನ್ನು ಆಕ್ಷೇಪಣೆ ಮಾಡುತ್ತಾನೆ ಎಂದು ಹೇಳಿದರೆ ಅದು ಕಂಟೆಂಪ್ಟ್ ಆಗುತ್ತದೆಯೋ ಸ್ವಾಮಿ? ಈ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಏಕೆ ಆಕ್ಷೇಪಿಸುತ್ತೀರಿ? ಈ ಸಂದೇಹ ಪರಿಹಾರ ಮಾಡುತ್ತೀರಿ ಎಂದು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ.

ಇನ್ನು ಡಿವಿಜನಲ್ ಕಮೀಷನರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೀರಿ . . . . .

(The Deputy Speaker rang the bell)

Sri J. B. MALLARADHYA.—I want some information. I do not know why this time restriction on discussion of Bills is introduced.

ಉಪಾಧ್ಯಕ್ಷರು.—ಇನ್ನೂ ಬಹಳ ಜನ ಮಾತನಾಡುವವರು ಇದ್ದಾರೆ. ಅದೂ ಅಲ್ಲದೆ ಬಿಸಿನೆಸ್ ಅಡ್ವೈಸರಿ ಕಮಿಟಿಯವರು ಗೊತ್ತುಮಾಡಿರುವ ಪ್ರಕಾರ, we have to close the Bill at 6-30.

Sri J. B. MALLARADHYA.—There was a suggestion that the matter may go to the Select Committee. I do not know if the Hon'ble Minister will clarify the point whether . . . .

Sri T. SUBRAMANYA.—I feel it is unnecessary.

(Sri C. J. Muckannappa rose)

Mr. DEPUTY SPEAKER.—No; Sri, Muckannappa, you will have to sit down.

Sri C. J. MUCKANNAPPA.—I request the Chair to be a little courteous.

Mr. DEPUTY SPEAKER.—No.

Sri C. J. MUCKANNAPPA.—After all the Speaker may ask me to go out.

Mr. DEPUTY SPEAKER.—Please resume your seat.

Sri C. J. MUCKANNAPPA.—The Speaker should not direct the members in such a manner. I am very sorry, Sir.

Mr. DEPUTY SPEAKER.—You are questioning the authority of the Chair. You must apologise.

Sri C. J. MUCKANNAPPA.—I am prepared to go out. Why should I, when you treat me like that ?

Mr. DEPUTY SPEAKER.—You must apologise.

Sri C. J. MUCKANNAPPA.—All right, Sir. What is there?

Sri R. CHENNIGARAMAIAH (Madhugiri).—I rise to support this Bill which is before this Hon'ble House. Sir, while supporting this Bill, I want certain clarifications from the Hon'ble Minister in charge of the Bill. In the Financial Memorandum, it is stated that no extra expenditure is involved. While stating that no extra expenditure is involved, they have not mentioned the actual amount that is involved under the scheme. They have merely stated that " the Bill provides for expediting the procedure for acquisition of slum area and also for limiting the cost of acquisition. Therefore no extra expenditure will be involved by the Bill becoming law." The financial memorandum is not clear as to what is the amount involved under this scheme, whether this extra expenditure that is involved in this scheme—40 lakhs is the amount allotted for slum clearance in the City, out of which 25 per cent is to be met by the State Government and the other 25 per cent by the Corporation, the other fifty per cent being the loan of the Central Government, *i.e.*, 25 per cent extra expenditure is to be met by the State Government—I want to know whether this 25 per cent of the expenditure is covered by the State Budget which has been passed by this House. It is not known to us. Since the Bill has been brought before this House now, I presume 25 per cent of the extra expenditure is not included in the State Budget which has been approved by this House in the month of March. This extra expenditure has to be approved of by this House by way of additional grant. Under the Five-Year Plan, this scheme must have been included. But any amount involved under the Five-Year Plan has to be included in the yearly Budget and placed before this House and its approval obtained.

Mere inclusion of an item in the Five-Year Plan does not mean that it has the automatic approval of this House. Every year the Budget must provide for the amount required for the plan. Therefore, for the entire extra expenditure involved in this scheme has to be obtained the approval of this House Therefore the Governor's sanction is required. I would like to have the clarification of the Government on this point.

There are some more points which require clarification. It has been repeatedly said here, about the 'competent authority'. For example, to declare an area to be a slum area which has to be improved, is left to the absolute discretion of one authority or officer. The idea is to improve the slum areas mostly. In very few cases, in very exceptional cases, the idea was to acquire slum dwellings. If it is absolutely needed, acquire that area in the interest of the City. In that case only the question of clearance comes in. Not in an ordinary case. Therefore, the question of declaring the area as a slum area and earmarking it for improvement is entirely left to the discretion of one officer, or competent authority. Who it is, it will be specified by the State Government subsequently. But my idea is that that should not be left to the discretion of one officer only. It is for this reason. I may just mention one example. The Health Officer is required to certify an area whether it was suitable for human habitation or not. I will just cite one example. In Malavalli Town, a particular health officer was required to inspect a spot and give his opinion whether a particular place was suitable for the construction of a general hospital. One particular officer certified that it was not fit for a hospital. There was a dispute and another health officer was required to inspect the area and give his opinion. He gave his opinion that it was most suitable for a hospital. I do not want to attribute motives here. After all, human failings are there. Ministers are not free to act independently. The Ministers have to give their approval. That is why I say that instead of giving discretion to one officer, if it is left to a body of officers or members of the Corporation or the Municipal Council or Trust Board, etc., or appoint a standing committee consisting of responsible members, they can give their opinion. Finally, in the Malavalli case I just now cited, I decided the case. Technical

officers could not agree among themselves. I had to finally decide the matter and said that the hospital may be constructed on the said site. Now you will see that the General Hospital has come up very nicely. Therefore, it is very dangerous to give this discretion to one officer. I would earnestly request the Government that this power is not vested in one individual officer whoever he is.

Then, Sir, Government propose to acquire lands under clause 12. The Land Acquisition Act specifies that the authority that acts as agent to acquire any land is the Deputy Commissioner. The Deputy Commissioner is the acquisition officer and he delegates his power to the Sub-Division Officer to build up the records. Now here, for everything the State Government issues the notification and the Government acquires the land. There must be some agency under the Government to build up the records, who can go to the spot and report to the Government whether that place is suitable for acquisition or not. Can the Government straight away issue orders and notify in the Gazette ? Therefore I say there must be some agency. Entrust it to the Trust Board. Entrust it to some authority which has got the power to build up acquisition records and finally submit to the Government for final issue of notifica tion. There seems to be that lacuna here in this clause.

Sub-clause (2) of the same clause 12 says:

> "(2) When a notice as aforesaid is published in the official Gazette, the land shall, on and from the date on which the notice is so published, vest absolutely in the State Government free from all encumbrances."

I cannot understand this provision. Supposing that land in question is mortgaged to some person; how can it be free from encumbrances ?

Sri G. VENKATAI GOWDA (Palaiyam).—Out of the compensation that will be paid, they may discharge the mortgage debt.

[MR. SPEAKER in the Chair]

*Sri R. CHENNIGARAMAIAH.—That is a different thing. What is provided in this clause is that when it is acquired and when it is notified in the Gazette, that means the Government says it is free from all encumbrances. Can it really be free from all encumbrances? That is why I say, before acquiring the land, all these things must be verified. There is no agency under this Bill which will go through these things and come to the conclusion. The officer should report the matter that such and such a place should be acquired and Government will notify in the Gazette. There is no other body to go into this matter. When once it is notified, it becomes Government property free from all encumbrances. Therefore, I say there is not sufficient protection provided in this Act.

There is another point in this case.

> "If an officer is satisfied that a particular building is suitable for human habitation, he can allow that building to continue."

An officer, according to his whims and fancies, if he likes any owner of the land, he can say that the building is suitable for human habitation and it can stand. Is that correct ? Therefore, I say it must suit the lay out plan and it must also undergo some scrutiny by others. It should not be left to the sweet will and pleasure of the officer to say that a plot is suitable or unsuitable. It would be a dangerous discretion left to the officer and it must be locked into.

5-30 P.M.

As regards page 16, as Sri K. Hanumanthaiya has aleeady explained, that provision is very dangerous. I feel the latter portion, *viz.*, the decision of the Divisional Commissioner cannot be questioned in any court, has to be removed. In order to minimise litigation, you can say that the decision shall be final but you cannot say that it shall not be questioned in any court. That is a thing which involves legal point and on any point of law, I think the party must be free to go to a court. Therefore, I would request the Hon'ble Minister to carefully examine these points. There are other

(SRI R. CHENNIGARAMIAH)

points which have been touched by earlier speakers. In the first instance I would like to state that this Bill is intended mostly for improving the existing slums and not so much for clearance. If you pay more attention for the slum clearance, that involves huge labour and will be a great hardship to the people who live there. Had they known that those areas would be acquired, the poor labourers would not have gone and stayed there. They have been living there for a long time and if they are to be disturbed at a short notice they will be put to a lot of hardship. I know personally about this when we wanted to remove the slum area near the Town Hall. It was a big job for the Government to acquire that land. So also the areas surrounding the Corporation Office. As Sri K. Hanumanthaiya said, if you were to find sites at the rate of 25′ × 40′, where do you find them ; It will be a big problem Therefore you must think of improving slums rather than removing them from there. I request the Hon'ble Minister to let me know how this scheme does not involve extra expenditure and whether the expenditure proposed here, even the 35 per cent, has obtained the approval of this House. This House is entitled to know whether the expenditure proposed to be incurred has the approval of this House. Unless it is made clear I think we have no right to go into it.

MR. SPEAKER.—I would like to know from the Minister whether this Bill has to be passed today in all stages ?

SRI T. SUBRAMANYA.—Yes, Mr. Speaker. I want it to be passed, if possible.

SRI R. CHENNIGARAMIAH.—I have raised more or less a constitutional point which requires clarification. I think the Speaker has to give a ruling on the point I have raised. This Bill involves extra expenditure and it is for the Government to satisfy that it does not involve any expenditure.

MR. SPEAKER.—You mean to say that this Bill is a money Bill ?

SRI R. CHENNIGARAMAIAH.—It involves extra expenditure. It is a question of incurring additional expenditure.

SRI J. B. MALLARADHYA.—There is a specific statement that it does not involve extra expenditure. The exact expenditure that will be incurred has not been mentioned. So, the point raised by my friend has to be met with.

MR. SPEAKER.—Let me know to what clause he refers. The recommendation of the Governor is here.

SOME HON'BLE MEMBERS.—We have not been kept informed of it.

MR. SPEAKER.—Usually it is not made known to the House. It is for the guidance of the Speaker.

SRI R. CHENNIGARAMAIAH.—The Central Government have sanctioned schemes in respect of ten towns. What is the extra expenditure involved for these ten schemes ?

SRI T. SUBRAMANYA.—I wish to clear one point. We are already committed to the scheme of slum clearance and under the town improvement scheme, expenditure on slum clearance is included and moneys are allotted in the Budget. I expect that we will not go beyond the amounts allotted in the Budget. Therefore, we have stated that no expenditure will have to be incurred by the State by the introduction of this scheme.

SRI K. HANUMANTHAIYA.—Since this is a *constitutional point*, we have to see to the correctness of the procedure. According to art. 199 (3) of the Constitution whenever there is a point raised as to whether a particular Bill is a money Bill or not, the Speaker has to give a final decision. Since Sri R. Chennigaramiah has raised a point specifically, it requires your ruling. Rule 68 of the Rules of Procedure and Conduct of Business says :

> "A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses relating thereto and shall also give an estimate of the recurring and non-recurring expenditure involved in case the the Bill is passed into law."

My Hon'ble friend the Minister in-charge says that there is no extra expenditure. But the point is, whether the expenditure is less or more, whenever an expenditure is involved, according to the Constitution a financial memorandum should accompany. Article 199 of the Constitution prescribes in various clauses what is likely to be a Money Bill and clause (*d*) says:

"the appropriation of moneys out of the consolidated fund of the State;'

In this Bill there is provision for payment of compensation. The scheme involves the building of alternative housing accommodation. If per chance the Government appoints a competent authority, according to the Government practice they have at least to pay him an extra allowance for the extra work that he does. Even if it is Rs. 20 per month, that involves expenditure. Even if he is not a separate officer involving separate office, staff and all that, even payment of allowance becomes an expenditure. In the schedule they have included ten towns specifically and to say that these ten towns require no expenditure whatever to clear the slums would not be an acceptable proposition. Therefore, first of all you have to satisfy yourself whether any expenditure is involved. Even if it is a rupee it is an expenditure. This is therefore a point on which I would request the Chair to give its ruling.

Mr. SPEAKER.—Under article 199 of the Constitution there is absolutely no doubt that this is a Money Bill and as such it does require the recommendation of the Governor under article 207.

As regards the other point, the Hon'ble member Sri Hanumanthaiya pointed out that even a pie spent for the enforcement of this law is an expenditure. No doubt, it was an expenditure. It might have been provided for in the Budget, but that does not absolve the Government of its duty of getting the recommendation of the Governor. I find that the necessary recommendation has been procured by the Government from the Governor.

Sri T. SUBRAMANYA.—Before the Speaker gives the final decision, he will kindly read article 207 (3) of the Constitution.

Mr. SPEAKER.—I have already said under article 199 of the Constitution it is a Money Bill. Under article 207 (3) the Governor's recommendation has to be procured and accordingly it has been procured.

As regards the point as to what would be the financial implication of this Bill, the point that the Hon'ble Member Sri Hanumanthaiya raised was that a clear picture had not been given to the House. The financial memorandum attached to the Bill says:

"The Bill provides for expediting the procedure for acquisition of slum areas and also for limiting the cost of acquisition. Therefore, no extra expenditure will be involved by the Bill becoming law."

I am sorry I am unable to understand how no extra expenditure will be involved by this Bill becoming law. Money might have been provided in the Budget for this purpose but that has nothing to do with this Bill. Do they mean to say that no extra expenditure will be involved by this Bill becoming law or, in other words, are they going to carry on with the existing staff by giving additional powers to the existing officers?

Sri G. VENKATAI GOWDA.—What is the recurring and non-recurring expenditure and what is the financial implication involved in the enforcement of this Act has to be mentioned.

Mr. SPEAKER.—It may not be possible for the Government to give an exact picture, but they can give a rough idea as to what will be the staff that will be required and what will be the probable expenditure or what will be the recurring and non-recurring expenditure involved in this Bill.

Sri J. B. MALLARADHYA.—In the present session itself two Bills have been passed. In the case of Weights and Measures Bill, a specific statement has been made in the financial memorandum attached to it that it would involve an expenditure of above

(SRI J. B. MALLARADHYA)

Rs. 20,000. I do not know what prevented the Government from giving the financial implication of this Bill. Either the statement is not correct or you are trying to make us believe what is not correct. I want a clear statement from the Government and I want the Speaker to decide whether that statement can be accepted. So far as the compensation is concerned, the Government of India has to contribute a share and the Local Government has to contribute a share. It is not provided for in the Budget. Even if it is mentioned, they will have to mention the amount required for slum clearance in those ten towns.

MR. SPEAKER.—The position is not like that. Even if provision is made in the Budget, it will have to be mentioned in the financial memorandum.

SRI K. HANUMANTHAIYA.—Sir, the statement in the Bill reads that the Bill provides also for limiting the cost of acquisition. So, Government themselves envisage cost of acquisition, but their contention is that it involves less cost. The Rules do not say that if there is a provision in the Budget it need not be mentioned by way of a financial memorandum in a Money Bill. There is no such exception. Rule 48 says:

> "A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses relating thereto and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law."

MR. SPEAKER.—I completely agree with you.

SRI K. HANUMANTHAIYA.—Sir, I am not flattering myself. I was on the Constitution-making body. The intention of this article in the Constitution is that every Bill must contain this memorandum so that members may know what is the expenditure involved and how they propose to raise the required money. Therefore, in order to give a better grip to the House over a Money Bill this article has been deliberately introduced in the Constitution. Further, Rules of Procedure provide what is called supplementary support to this position by saying that this financial memorandum must be given. The Rules do not make an exception. If provision has been made in the Budget or in some other enactment, that is not sufficient and such an exception is not envisaged under the Rules. It is enough even if the Budget provision made is re-printed in the Bill. Now, slum clearance is a very big proposition. They have specifically mentioned ten towns and so naturally the scheme involves expenditure. It is not a question of less expenditure or economical expenditure and the House has a right to know what exactly is the scope of the scheme so far as money is concerned.

SRI K. S. SURYANARAYANA RAO.—I want a little clarification. Rule 49 says:

> "If a motion for leave to introduce a Bill is opposed. . . . ."

According to this rule a motion for introduction of a Bill could be opposed only when it is sought to be introduced. I want to know from the Speaker if a point of order or substantive question as the one at present can be raised at this stage of the Bill.

SRI G. VENKATAI GOWDA.—The Bill has been introduced and we are now in the consideration stage.

MR. SPEAKER.—If I understand the Hon'ble Member Sri Suryanarayana Rao aright, he seems to be saying that the objection ought to have been taken only at the time of the introduction of the Bill and not now. Rule 49 is self-explanatory. But it does not say that objection cannot be raised on the ground that there is insufficiency of financial memorandum or that financial memorandum has not been given.

SRI K. S. SURYANARAYANA RAO.—I am making myself clear. According to rule 48 if a Bill involving expenditure is not accompanied by a financial memorandum, then it is outside the scope of the legislative competence of this House. This House would not have been competent to consider a Bill which is not in accordance with the provisions of the Constitution and the Rules of Procedure.

Mr. SPEAKER.—That is not the objection. Whether it is a Money Bill or not has been disposed of. The question now is whether the financial memorandum that is given at the end of the Bill is sufficient or insufficient, and if it is insufficient whether it is not the duty of the Government to give a proper picture of the financial implications or the expenditure that would be involved.

Sri K. S. SURYANARAYANA RAO.—Supposing a Bill is not accompanied by a financial memorandum; then that Bill cannot be considered at all.

Mr. SPEAKER.—I understand your point. The wording of rule 49 is clear that a Bill should be opposed only at the introduction stage. But it does not mean that the Bill cannot be opposed on this ground at a later stage. Here, introduction of the Bill is not opposed. The point raised is whether this House is not entitled to know the full picture or as correct a picture as possible of the financial implications of the Bill.

Sri K. S. SURYANARAYANA RAO.—I believe that will not improve the position at all.

Mr. SPEAKER.—As I understand there is no bar to any such objection being raised. This House wants to know the full financial position.

Sri T. SUBRAMANYA.—The whole point is this, Mr. Speaker. These schemes are already there sanctioned. Certain amounts have been allotted in this year's Budget. Therefore we say in the financial statement that "the Bill provides for expediting the acquisition of slum areas and also for limiting the cost of acquisition. Therefore no extra expenditure will be involved..." But if the Chair rules that we have to give all the details I have no objection.

Mr. SPEAKER.—I am not in a position to agree with the Minister for Law. Details will have to be given. Of course they may not be in the exact words. It might have been on account of certain factors or misunderstanding on the part of Government that details have not been given. They may give it tomorrow. Till then I will have to hold over the Bill.

Sri K. HANUMANTHAIYA.—In fact such a contingency as you envisaged has been provided in the Bill. Rule 48 provides that "where a Bill involves expenditure it shall be accompanied by a financial memorandum which shall invite particular attention to the clauses relating thereto and shall also give an estimate of the recurring and non-recurring expenditure involved *in case the Bill is passed into law*" So there is no bar to the Bill being not passed merely on this technical ground; they can give the financial picture later.

6 P.M.

Sri J. B. MALLARADHYA.—I do not think we can accept the position in which the Government may furnish the information later and that the Bill can be passed before getting that information—I do not think it is correct.

Sri T. SUBRAMANYA.—Nobody meant that the Bill should be passed today.

Sri M. C. NARASIMHAN.—I have got two points to get clarified. One is this. You kindly referred to the Governor's assent to this Bill. It is an inaccurate representation to the Governor, because the financial memorandum says there is no expenditure. It is on that basis that the Governor's assent has been obtained. I would like to know if that would be within the ambit of our Rules and within the provisions of the Constitution.

The second one is:—Sri K. Hanumanthaiya was trying to suggest that the financial memorandum could be added as tail at any time after the passage of the Bill. That is obviously wrong because Rule 52 says that the clauses which involve expenditure should be printed in italics or in thick type. What is the meaning of this? It is that the members' attention may be particularly invited to those clauses and if necessary, amendments moved. How can we say that with retrospective effect we can include a financial memorandum? Then we might say that any financial memorandum for any Bill may be added at any stage. In regard to both these points, I want clarification,

Mr. SPEAKER.—So far as the first point is concerned, it is too much for any Hon'ble Member to say that the Governor's recommendation has been procured after not giving him the full picture of the expenditure involved in the present Bill. I am not personally inclined to agree to that. When the Governor gives a recommendation, it must be presumed that he has given the same after due consideration. It is not open to say that the Governor might have given the recommendation under a misconception of the expenditure that would be involved in this case. I do not agree.

Sri J. B. MALLARADHYA.—Whether the information placed before the House is different from the one placed before the Governor. . . .

Mr. SPEAKER.—We are entitled to know the facts about the expenditure involved in the Bill. So far as the Governor is concerned, it must alway be presumed that when he gives the recommendation, he has given it after studying the whole matter. It is not for us to say that the Governor gave it under a misconception or that the whole picture was not placed before him. It is not possible to make any such inference.

Sri J. B. MALLARADHYA.—To clarify the statement made on this side of the House—we certainly bow to the decision of the Governor as the Head of the State. If a picture different from the one that appears in the financial memorandum shows up, obviously the presumption is that the correct picture of the financial memorandum is not placed. A different picture need not have been placed before the Governor to elicit his concurrence. . . . .

Sri R. CHENNIGARAMAIAH.—Sir, there is one more point. Since the Governor's recommendation has been obtained, I want to know from the Financial Minister whether the Governor's recommendation is sought for even in cases where it does not involve extra expenditure and also whether it is sought for in cases where expenditure is involved.

Mr. SPEAKER.—It is only in the case of Money Bills that the financial memorandum has to be furnished.

Sri T. SUBRAMANYA.—Sir, even without the financial memorandum, land would have been acquired and slum clearance would have gone on. It does not involve any other expenditure. On the other hand it lessens the expenditure. What I am submitting is that this financial memorandum is not incorrect. If the Hon'ble Members want details, I have no objection to give.

Mr. SPEAKER.—I will hear the Hon'ble the Finance Minister. I have to make one point clear. Unfortunately the Hon'ble the Law Minister is linking the Budget with the Bill. I agree with him that this lessens the expenditure that is involved in the scheme which is contemplated in the Budget Whatever it is, so far as this Bill is concerned, a picture of the financial memorandum will have to be given.

Sri T. MARIAPPA (Minister for Finance).—Sir, a distinction has to be made with regard to the expenditure that has to be incurred in formulating a Bill. May I humbly submit that no expenditure at all is involved ? Even less expenditure is involved. That is the difficulty. Only less amount has to be spent. The payment of compensation is not an expenditure to be incurred under this Act. It is expenditure on establishment and incidental charges—it is this expenditure that we have to furnish in the financial memorandum. It is not the quantum of compensation that should be given that should be mentioned. Whether the compensation to be paid is more or less need not be mentioned in the financial memorandum. It may be ten lakhs, twenty lakhs, or fifty lakhs and even one crore so far as acquisition is concerned. What is needed in this Bill is expenditure with regard to staff, other incidental charges, etc. For acquisition, we want the protection of the law to keep down compensation to be awarded. Therefore, I humbly submit that in all cases where it is incumbent on the Treasury to furnish the financial memorandum, we furnish the actual expendi-

ture incidental to the expenditure to be incurred either on the staff or other such expenditure. Suppose we want to acquire a land. Today even without this Bill, we can acquire the land and then have slum clearance. But this facilitates in this manner. The extra expenditure involved will be much less. There is no ext a expenditure. The Bill limits the cost of acquisition. Instead of paying Rs. 5,000 we may pay Rs. 4,000 per acre. That is all. Then for every little thing you may say that you require to know what is the liability to the Treasury.

MR. SPEAKER.--I would not like to know in any way how money is spent and on what items. It may be on acquisition or it may be by way of recurring and non-recurring grants. But I would like to know from the Government whether they are going to expend money under this Bill on the staff, on the acquisition proceedings or even on the acquisition. Even if they acquire land I am not absolutely concerned. Let the land be acquired at Rs 2,000 per acre. If you are going to spend under this Act, under the Acquisition clause of this Act, then this House is entitled to know what would be the rough expenditure. It may be much less than what you are going to spend. Supposing now you are going to spend one thousand rupees on land. Under this Act you may spend Rs. 500 only, or even Rs. 300 for acquisition. I am only concerned with the fact whether that expenditure is an expenditure under this Bill and whether it is covered by the memorandum. The cost of any land acquired under this Act is to my mind an expenditure. It may be less. It may be very difficult for Government to say how much they are going to spend. They may say that it is not possible to give what exactly they would spend for acquisition. But all the same money has to be spent.

SRI K. HANUMANTHAIYA.—There is no need to further discuss the matter. The Hon'ble Minister for Law has satisfactorily answered. The House will remember, he just now said that if details were necessary, the same would be furnised. When he has said that, I do not think there is any necessity for further discussion on this issue.

MR. SPEAKER.—It is not necessary, because, after all, Government has agreed to give details so far as it is possible. The Hon'ble Minister has agreed to give a correct picture of the expenditure. Of course, we must remember that the Government cannot in any way anticipate the expenditure inthe future. They can give us some picture.

SRI T. SUBRAMANYA.—Tomorrow I can give a supplementary note with regard to the financial position so far as this Bill is concerned.

SRI U. M. MADAPPA (Chamarajanagar).–Sir, the Chair has allotted 3½ hours for this Bill and that time is over. Yesterday a ruling was given to the effect that the allotted time should not be exceeded. A motion was moved yesterday in order to extend the time.

*SRI T. SUBRAMANYA.—So far as the financial memorandum that I may have to give, it may not include the amount to be spent for acquisition, because it would be very difficult to say even roughly what are the lands we are going to acquire and how much we will have to pay. The schemes are ready for slum clearance. But what amount will have to be spent under this law, we cannot be certain. We can only tell you that by way of establishment, not a pie will be spent. We can only give you a rough estimate of the amount that may be required for the acquisition of lands.

SRI J. B. MALLARADHYA.—I would very much plead and appeal to the Treasury Benches not to stand on a sense of false prestige. In this respect nobody is prepared to believe that no expenditure will be involved. Here is a matter in which Government of India have to contribute their share. Government will have to spend some amount on T.A. and D.A. of the establishment. Even to print the Bill for presentation before this House, some money has necessarily to be spent on stationery. To say that no expenditure is involved, I am afraid, I am not prepared to believe. Let

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not the Government try to stand on false prestige.

Sri T. SUBRAMANYA.—We are certain that no expenditure will be incurred with regard to staff. The only amount that we will have to spend will be for acquisition. The amount already provided for will be decreased by this law.

Mr. SPEAKER.—It is now 6-15 and the House will now rise and meet tomorrow at 8-30 A.M.

The House adjourned at Fifteen Minutes past Six of the Clock to meet again at Thirty Minutes past Eight of the Clock on Friday, the 7th November 1958.

WD 1954—GPB—900—16-2-59.